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# The Power of the Popes;

OR,

AN HISTORICAL ESSAY

ON

THEIR TEMPORAL DOMINION,

THE ABUSE OF THEIR SPIRITUAL AUTHORITY,

AND THE

WARS THEY HAVE DECLARED AGAINST SOVEREIGNS.

Containing very Extraordinary Documents of the Roman Court,  
never before published.

P. C. F. Daunou

TRANSLATED FROM THE FRENCH.

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VOL. II.

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T I M S,

WIGMORE STREET, CAVENDISH SQUARE, LONDON; AND  
GRAFTON STREET, DUBLIN.

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1838.





# HISTORICAL ESSAY,

&c. &c.

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## CHAPTER I.

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### GENERAL REFLECTIONS ON THE ENTERPRIZES OF THE COURT OF ROME.

**W**E propose to collect into this volume some monuments of the ambition of the Roman Court, and of the honorable resistance which the Gallic Church has not ceased to oppose to the attempts of the popes.

The seven earliest ages of Christianity furnish us with no authentic document in favour of the pontifical power. For seven hundred years, the bishop of Rome was but the first bishop of Christendom; he was not induced to consider himself as the absolute sovereign of the Church, nor as the superior and judge of the kings of the earth. The ecclesiastical decrees emanated from councils, especially

general councils ; and the civil authority, altogether free and independent, obtained from the clergy, the synods, and the popes, the homage and obedience which are due to it. Such was, in those early times, the spirit of the Church ; it was the result of the maxims laid down in the gospel and the writings of the apostles.

There was made in the eighth century no new revelation ; Jesus Christ has not come to say to the the pontiffs,—“ Be the rivals of emperors,<sup>(1)</sup> and “ oblige to be rendered unto you that which is due “ to Cesar ;<sup>(2)</sup> exercise over the clergy a despotic “ rule ;<sup>(3)</sup> amass treasures ; let the people and their “ kings become your tributaries.” Saint Paul has not prescribed to us, never to resist the successors of St. Peter, to reverence their frivolous caprices, and to transgress on their behalf the laws which regulate and maintain empires.

Without doubt, that which was practised during those seven centuries, in which the church more brightly shone with the lustre of the Christian virtues, is preferable to the abuses which, at a later period, have altered its primitive institutions, tarnished its lustre, and depraved its pontiffs. It will not be pretended that the true principles of the

(1) Reges gentium dominantur eorum, vos enim non sic.

(2) Reddite quæ sunt Cæsaris, Cæsari.

(3) Neque ut dominantes in cleris.

ecclesiastical ministry are to be sought for, in the life of Boniface VIII. of Alexander VI. or of Julius II. rather than in the writings of St. Leo, of St. Augustine, or of St. Chrysostom ; and there is no reason to suppose that, in order to take a just view of the government of the church, it is requisite to consider what has been said, or what has been done, during those barbarous ages, in which the grossest corruption and ignorance prevailed.

Yet this is what it is necessary strictly to maintain in order to defend the pretensions of the court of Rome ; and this is in effect what the ultramontane theologians assert. They have distinguished two ages of the church : the age of childhood and of weakness when, either persecuted or protected by princes, it was necessary that it should ‘tolerate,’<sup>(1)</sup> their rule, and that it should pursue those evangelical precepts, established to provide for the necessities of such a period : secondly, the age of vigour and of power, since which the church has subdued the nations, covered their people with its shadow, and reigning over immense regions, has crowned and governed kings. Bossuet<sup>(2)</sup> conde-

(1) This is the word which Bossuet employs in giving an account of the opinion of the Ultramontanes. Rectè enim jussam TOLERARE reges, quos compescere infirma not posset.—*Def. Cl. Gall.* p. 11. l. v. c. 17.

(2) PUDET profecto me discriminis illius, &c.—*Def. Cl. Call.* p. 11. l. v. c. 17.



scends to dispute this distinction, or rather he is ashamed to see himself compelled to retrace it. "What!" he says, "when Jesus sends you forth as "sheep, he charges you to be lambs only till such "time as you may be sufficiently strong to become "wolves!" What! Jesus confines himself to giving you the counsel, to disguise yourselves in sheepskins in order to deceive, and, to subdue the princes whom you shall approach under such mask! What! you wish that the gospel become but a manual of hypocrisy and imposture! And you measure the prosperity of the church, but by the opulence of its ministers, but by the pomp of its chief prelate, and the terror which the paraphernalia of the pontifical sovereignty inspires the nations and their rulers with! When the glory of Christianity is confined to rendering men holy, to rectifying their religious ideas, and to regulating their moral habits; when its influence but consists in civilizing the people, enlightening their chiefs, and in establishing concord in the bosom of families or of provinces; when the pontiffs cause themselves to be revered only by their superior knowledge, their talents and their virtues, it is then the Church appears to you imperfect, childish, and still a novice, and that you bitterly lament its weakness! But when, after the seventh century, you at length behold the chief pastor of the flock of Jesus Christ, threaten em-

perors, excommunicate, curse them, lead their subjects to revolt, authorize or command disobedience, induce anarchy, and kindle and perpetuate civil war; then you recognize the Church; then behold it, according to your doctrine, in all its lustre, in all its power; and such is the high destiny to which you wish it may have been appointed by its Founder.

No sacred text, however, no trait of the edifying annals of the church of the first age, can serve as an authority or pretext for the establishment of the papal power; it became necessary to forge documents which might appear to institute or to recognize it. Accordingly in the eighth century the Donation of Constantine, an emperor of the fourth century, was fabricated; yet they obtained from Pepin the Short, and from Charlemagne, some real concessions, but so limited, that they have not thought proper to preserve the monuments of them. As to the grant of Louis-le-Debonnaire, of which they produce the copies, it is, nevertheless, a false document, the work of an impostor of the eleventh century, as Muratori has demonstrated. Since the advances of judicious criticism have universally discredited these pretended records, the Court of Rome has abstained from mentioning them, and does not much relish that they should be recalled. She opposes even their own discredit to whoever wishes to adduce them, and pretends that on such subjects all discussion is superfluous.

Well! you require that the donation of Constantine be no further mentioned! but, in the eighth century you fabricated it; but, you have produced it as the most decisive of your titles; but, during more than 600 years, you have impressively cited it; you inserted it in your codes, you permitted not its truth to be questioned; but, in 1478, you burned those who refused to believe in it; but, in 1712, you had not ceased to require that the grant of Louis-le-Debonnaire should be recognized as authentic; you deplored the blindness and misfortune of the times in which it was dared, as you said, to treat as apocryphal a deed, consecrated by all antiquity; but, finally, all these acts, disavowed in time of need by the partisans of the Court of Rome, this court itself is at all times cautious of rejecting expressly; and to-morrow, if she again became sufficiently powerful to compel us to revere them, we should confess under pain of excommunication, that Constantine did cede the Empire of the West to Sylvester, and that the popes received Sicily and Sardinia from Louis-le-Debonnaire, who never possessed them.

Other documents forged in the eighth century, under the name of "Decretals," have had still more influence; they profess to be Epistles written by the Popes of the first centuries, and thus attribute an ancient origin to the new prerogatives with which they gratified the Bishop of Rome. No person in the present day advocates the authenticity of these



letters. The forgery of them is as evident as would be that of a statute of Henry IV. nominating a prefect for the department of the Deux Nethes, or in determining the qualifications of a justice of the peace. They are therefore known under the denomination of ‘The False Decretals,’ and the Holy See permits them to be so designated; yet are they not the less the foundation of all canonical jurisprudence. In the twelfth century, Gratian incorporated them into one code, which the popes sanctioned, and which was taught in the schools as the principal code of laws of the church. In the thirteenth century, Gregory IX. and Boniface VIII: in the fourteenth, Clement V. and John XXII. published other collections, in which the maxims of the “false decretals” were again produced, renewed, and applied to, all the details of the ecclesiastical administration, and, as far as possible to even civil affairs. Thus in the very acknowledgment of the falsity of the decretals of Isidore, or at least, in declining to support their authenticity, the Court of Rome admits of no other legislation than that, of which these decretals have laid the foundation, and fixed the spirit and character. There is, says she, a prescription of a thousand years!

If prescription was admissable in favour of imposture, of anarchy, and of rebellion, it would nevertheless be cancelled by the perseverance, and by the splendour of the reclamations made by the Church of France, against the monstrous abuses

which the Popes attempted to erect into rights. All then we have to remark here is, that the jurisprudence which they take advantage of, is the fruit of the grossest fictions; that it extends only up to the eighth century, and, that all the codes composed since, under the instructions of the popes, are impregnated with the errors of the original imposture.

One fact, which will result from the the first series of our justificative pieces, is, that since the accession of Gregory VII. to the pontificate, up to the moment in which we write, the Court of Rome has not ceased to assert itself the Sovereign of Kings. It has constantly challenged the right, to crown them, to depose them, and to reform the acts of their government. It is true that, according to circumstances, it has modified this doctrine; sometimes in daring to put it in practice, often presenting it only under threatening forms; sometimes by publishing it in the most positive terms, sometimes in covering it with the veil of vague expressions, or even confining itself to depositing it in clandestine writings. But, among an hundred popes the successors of Hildebrand, we can scarcely count five, who have not demanded, with more or less audacity or subtility, the enormous power which this famous pontiff had assumed.

That the power of the pope has no limits; that at his feet ought to bow all the dignities of the church, and of the empire, the will and pleasure of the sovereign: and of the people, such is the result of all that

Gregory VII. has said, written, and done. Nothing, is so simple as such a system ; and, however monstrous it may appear, it is the unchangeable doctrine of the Holy See. We meet with it again, as we have said, in the Edict of Gratian, one of the most remarkable monuments of the twelfth century. In the thirteenth, Innocent III. and Boniface VIII. proclaim and develope it. In the fourteenth John XXII. and Clement VI. employ it against Louis of Bavaria. In the fifteenth, even after the schism of Avignon, and, regardless of the decrees of two grand councils, it lived still and was respected more than ever in Italy. In the sixteenth Julius II. supported it with arms in his hand ; it presided in his councils and in those of his successors, and it determined their purposes. In the seventeenth, the popes dared to treat as heretical four propositions which denied it, and succeeded by the force of intrigue in rendering them inefficacious. In the eighteenth, solemn homage is decreed to Gregory VII. and his unjustifiable encroachments on the imperial authority idolized. The nineteenth, which has but now commenced, presents the more than ever ridiculous attempts to re-establish the Theocracy.

The last ages will furnish us with some specimens, little known, which will place in evidence the obstinacy of the pontifical pretensions. We shall see the most exaggerated rules established as axioms, in the secret consultations of the Roman Court. We



shall see the popes, when the particular conjuncture had forced them to pay public respect to the civil authority, retract it, instantly, by secret protestations, written wholly by their apostolic hands. They believe themselves altogether exonerated by these clandestine retractions, from all the obligations they appeared to have entered into, in signing any treaties, promises, transactions, or declarations, whatever.

Strange phenomenon even in the history of human perfidies ; for, though it may be too common to break engagements, and even to enter into them only with the design of profiting, when occasion offered, by the breach of them, yet it is rarely such resolutions are committed to writing, or that we see revised with care avowed projects of faithlessness. What a lengthened space we must go over, from the morality of nature and of the gospel, to this last goal of policy and civilization ! What epithet shall we apply to a court, which considers itself so superior to others, that it can never become their debtor, not even for that which it had solemnly promised them ? and what human actions can we tax with disloyalty or treason, if we are compelled to absolve these mysterious perjuries ?

The pontifical archives undoubtedly conceal other still more important secrets, which may serve some future day for public instruction, as they shall be discovered under piles of insignificant writings. Truth will oblige us to insert, even now, among our

justificative pieces, the well-known letter of Louis XIV. in which he retracts, in 1693, the four articles of 1682, or at least promises the pope, that he will not cause the edict to be executed which relates to them. Such is the abject condition to which this monarch could descend, from the time that, in revoking the Edict of Nantes, he had renounced the generous and noble principles which, even to the year 1685, had almost invariably directed his administration. But let us here admire at the stubbornness, and at the power, of the Romish Court. Four propositions are published, of a demonstration almost immediate, and of such simplicity, that they could become celebrated only by the effrontery of those who disputed them. They are adopted by the clergy of a great kingdom, a clergy then venerable, and to which the talents and the virtues of most of its members had secured the esteem of all Europe : they are revised by the most illustrious prelate of this brilliant era, and whose name alone would be an authority, if one were necessary to be added to the monuments and traditions of antiquity from which these four articles are extracted. The greatest monarch of the age proclaimed them, seemed to strengthen them by his own immediate power, and to array them with the splendour of his reign and the majesty of his throne. None of these considerations discouraged the successor of Hildebrand, they were of no avail. Yet, to condemn

these four maxims, it is necessary to maintain, that the pope has the right of overturning the laws and customs of every church ; that his decisions are always incapable of reformation, even when the church has not by its consent confirmed them ; that he acknowledges no authority superior to his own, not even that of general councils ; and, in fine, that his privileges extend themselves over the civil and temporal acts of sovereignty. Here are assertions revolting indeed, and of which it were hard to expect the success, at the end of the seventeenth century, in the bosom of knowledge, when the prince they insult could arm against them, the zeal of the magistrate, and the genius of the philosopher. Yet it avails not, the pope determines to prevent the execution of the edict which ordains the four articles to be taught ; and, this edict of an imperious monarch shall remain without effect, Louis shall be encompassed with perfidious counsels, Jesuits and mistresses shall blind him to the interests of his throne and of his glory, and, he shall sign an ignominious retraction.

This letter of Louis XIV. interrupts the succession of honorable monuments, which, from the time of St. Louis down to our own days, attest the resistance of the French government to the enterprises of the Roman pontiffs. We can ascend beyond the time of St. Louis, and call to mind the energetic epistle of Hincmar to Pope Adrian II. and the



replies of Philip-le-Bel to Boniface VIII. ; but Louis IX. has merited, by his virtues, to be esteemed the first defender of the liberties of the Gallican Church. He has published them in a solemn document, and almost all the successors of this pious monarch have, after his example, repressed the ambition of the bishop of Rome.

There have been published a long time past, in support of the maxims of the Church of France, many volumes of pieces extracted principally from the treasures of parliamentary registers and charters. The decision from them is, that our kings have never consented to be dependent on the pope ; that our ancestors have never ceased to declare to be insulting, not only the excommunications, but even the citations of the king's subjects to the court of Rome ; and the proceedings of those who, declining the royal justice, dared to seek redress before an ecclesiastical tribunal ; that the bulls of the popes, and even the decisions of the councils, were published only in virtue of the orders of the king ; that an appeal lay from the pope's decrees to a future general council ; that the bishops promised fidelity to the monarch, and could not without his consent leave the kingdom ; that laws, often efficacious, were opposed to the exactions of the Romish court ; that the receipt even of her usual tribute, and which she impatiently looked for, was sometimes suspended ; that a legate a latere never appeared in France, until letters

patent had sanctioned his mission ; that the ecclesiastics were amenable to the ordinary tribunals, in criminal as well as in civil matters ; that the parliaments and the royal judges, in an especial manner, restrained seditious sermons ; that strangers could not become in France, either incumbents or superiors of monasteries, save in virtue of an especial grace, seldom extended by the king ; that, without his express permission, no ecclesiastical or monastic establishment could be formed ; that the property of the clergy, whether secular or regular, could only be acquired, transferred, or administered, conformable to the civil law, and that, finally, the royal authority, extending its watchful care even over the liturgy, should prevent the introduction into it of dangerous innovations.

Such are, in France, the principal results of the monuments of the public administration, in those things which relate to the Pope, the Bishops, the Monks, and the Priests. We cannot too highly praise the honourable perseverance with which the Parliaments and the Universities defended these maxims : the clergy professed them in 1572, and again recognized them in 1682, that is to say, at the period in which that body most deserved to be revered, for the superior merit of a large proportion of its members. In disavowing, towards the end of the seventeenth century, these wise and ancient laws, the clergy drew along with them in their defection the very govern-

ment itself ; at first, from 1693 to 1715, during the old age of Louis XIV. subsequently, from 1726 to 1743, under the ministry of Cardinal Fleury. But such trifling gaps only render the line of evidence which they interrupt the more apparent, as we shall still further establish by a second series of “justificative pieces.”

The third part of this volume will relate to what passed between France and Rome since the year 1800. After the violent storms which had hurried the French far from the liberties of the Gallic church, a hero, desirous to restore to public manners their ancient base, resolved to build up the altars, and protect the exercise, of every religion, to distinguish that of the greater number by peculiar homage, and to re-establish the honors of the Popedom itself. Covered with the immense glory, which the benefits derived from his genius obtained for him, the Emperor of the French was desirous to reflect a portion of its rays on the Bishop of Rome ; he assigned him venerable functions in an august ceremony, and, the splendour of an imperial crown, which the nation had decreed, seemed to reflect itself for a moment upon the pontiff who consecrated it. This pontiff then felt the value of these distinctions ; he rendered his acknowledgments for them. In the name of the Church, he celebrated the sovereign who had brought her consolation ; he declared that, next to God, it was to the emperor of the



French religion owed its regeneration, from him, derived its new lustre. Then, notwithstanding, the organic laws of the Concordat were in full force ; they had been published at the same time as the Concordat, and concerted, like it, with agents of the pope. Then also the civil code established in France, began to be introduced throughout the whole of Europe. Then in fine existed as at the present time, all the dispositions relative to marriage, divorce, the conditions of men, and liberty of conscience. The pope raised against these laws no public reclamation ; and there was reason to suppose he was himself sensible of their profound wisdom, since they did not restrain him from rendering homage to the hero who had framed them, or from acknowledging him, next to God, the most distinguished benefactor of the Catholic Church.

Suddenly, in 1809, four years after these expressions of thanks, without any infringement of the articles of the Concordat, or rather, after the experience of new benefits, after laws which secured to the bishops, to the clergy, and even to their pupils, an existence more and more honorable, the pope accuses France of irreligion, he grows angry, he threatens, he pouts, he gets stubborn, he whets the rusty arms of the Vatican, and the shafts fall forceless from his imprudent hands, almost unknown to those he dared to outrage.

Zealous pontiff ! what is then the object of your

complaints? What do you seek for? That the temples of religion may be opened, restored, embellished, and frequented? they are so throughout the Empire. That the faith may be preserved pure and untainted? no one purposes changing it. That public homages may encompass the sacrament and thier mysteries? the law exacts it. That pastors may be given to each division of the flock of Jesus Christ, curates to the parishes, and bishops to the dioceses? you alone assume the privilege to refuse them. In fine, *that* christianity may triumph amidst the religions of the earth, and catholicity among the christian communions? this pre-eminence is daily secured by the acts of government, still more than by the faith of the people.—No, it is not the interests of the Gospel which you defend; you wish, while the gospel inculcates only toleration, mildness and concord, you wish, that the protestants may be deprived of the common rights of society, or compelled to hypocritical abjurations; you dare, in your obscure writings, tax the impartial justice of the laws. It is to be indifferent, according to you, among the various modes of worship, not to be cruel and unjust towards those we do not profess; and we should be replunged to-morrow into the abyss of religious dissensions, if your pontifical intolerance could again obtain a remnant of influence.

The Gospel is of little concern to you; but you

demand back the gothic jurisprudence, which, born of imposture in the bosom of darkness, attributed to your predecessors a most fatal authority over the affairs of men. You presume to amend laws purely civil, which Europe envies the wisdom of, and which all the provinces of the Empire bless and revere, as one of the greatest benefits and most august works of their sovereign. If we must believe you, you would be the supreme legislator of the nations, and we should obey no decrees but such as it would be your good pleasure to sanction.

To propagate the gospel is not the care which troubles you: you are more impatient to abolish the ancient traditions which tend to limit your power. Since the termination of the year 1804, you have secretly required the abolition of the Four Articles of 1682. You dared to expect, that in the midst of the troubles we have passed through, we must have lost the remembrance of these maxims and the sense of their importance; you represented them as useless subjects of controversy, which kept up between Rome and France a grievous source of misunderstanding; and your desires, too impatient to be circumspect, addressed themselves to that very Hero whose generous purposes and superior knowledge they had most reason to dread.

A sufficiency of your subalterns preach the gospel; but for you, sovereign pontiff, you rather dream how to revive the theological quarrels which seem



to you too quietly to rest. In 1805, in the account which you gave of your return to Rome, and of your passage through Tuscany, you take the trouble expressly to proscribe the errors of Baius, of the Jansenists, and of Quesnel; pitiful errors! so wholly forgotten, that your new anathemas, not less deplorable than they, will never succeed in restoring them. But it is too well known, that you need these dissensions in order to reign; heresies are requisite to give lustre to your power, and nothing could turn to less account for you than the profound tranquillity of gospel peace.

Once more, your concern is not in evangelizing, but in reigning; and the loss which indeed affects you is that of your temporal power. It is because you are no longer a king, that the French appear to you no longer catholics; it is because you no longer possess a principality in Italy, that you discover, after four years, heresies in the civil laws of the Empire. You have been reduced to the condition of St. Peter, and his ninety-nine immediate successors: like them you are relieved from every terrestrial administration, released from every political care; like them, you are permitted to yield yourself up without distraction to your pastoral office, and the practice of all the sacerdotal duties. But these duties do not suffice you any more; the privileges which have been torn from you were much more dear to you; you prefer, not to ex-

ercise any function, rather than to limit yourself to that of the pontificate ; you obstinately desire that the Church may never have a chief pastor, if Rome should have another sovereign than you. In one word, you seek not for the coming of God's Kingdom, but that yours may be permitted to return.

Such are the vexations, the regrets, the desires of the Roman pontiff, and the true motives of his strange conduct. For this cause, he lavishes his anathemas and spurns the institutions ; but never will the Four Articles, in which the church of France prides herself, be sacrificed to him, nor yet the rights of the peaceable citizen who professes a different faith.—Will he ever obtain a principality in Italy and a legislative power throughout the empire ? We have at least, very strong reasons to doubt it.

It cannot be too often repeated, that marriage is a civil act before it becomes a sacrament. There are few theologians mad enough to assert, that marriage cannot exist out of the Catholic Church. Now the contract, that it is necessary to recognize in the professors of another faith, does not change its nature by the introduction of the church into a state. Of all the contracts which constitute and perpetuate society, marriage is the most strict, the most requisite, and that which recommends itself the most seriously to the attention of the sovereign. In such a matter, the duties of the legislator are too

weighty to suffer him to transfer them to the shoulders of a pontiff, or to assemblies of unmarried priests.

That we can collect from the Bible some words by which it may be proved, that the nuptial benediction is one of the seven sacraments of the New Testament, is a point of doctrine that every catholic ought to revere, and on which the civil authority ought to refer itself to the ministers of religion. But that, in becoming a sacrament, marriage changes its character, and loses that of a civil contract; that, in consequence of this, the priests may assume a right to revise or modify the laws which relate to it; that they should think of creating one knows not what obstacles to the conjugal union; that they should assert themselves to be invested with power to prevent, to dispense, to permit; it is the extreme of ambition in the clergy, of ignorance in the people, and of patience in the magistracy, which could tolerate such revolting confusion. We have been unable to read without indignation those writings, in which the Court of Rome holds as "null" the marriages contracted agreeable to the civil code, and we know not any more serious enterprize against the laws, than that which consists in questioning the validity, the sacredness, of the compacts which they authorize, and of which they have defined the necessary conditions.

The ecclesiastical office ought evidently confine itself to offering to those who are to be, or to those



who are already married, moral instructions, and counsel purely religious, and in communicating to the married persons, who require it, the seventh sacrament. To be desirous to attach to these pious acts civil purposes, is a gross error, a culpable usurpation, and one of the most pernicious abuses introduced into the Christian Religion. We have seen the priests transform themselves into compilers and depositories of the deeds which verify the conditions of men, and thus lay the foundations of a general Theocratic Government.

But it must be confessed, that it is not ambition alone which has created, sustained, and perpetuated these disorders : avarice also has had its share. The clergy, already endowed with rich domains, and not contented with adding to the revenues of these real estates the direct impost which they term ‘ tythes,’ succeeded in subjecting the people to the most extensive system of indirect tributes that ever was conceived ; tributes which are inevitable, which every person must pay, in his birth, in his marriage, and in his death. Superstition and vanity increase in various ways the first and the third of these imposts ; but the second, though not paid by all, was nevertheless the most productive, not only because the same contributor might pay more than once, but principally, they knew how to render them susceptible of progressive augmentations, according to circumstances, by the se-

riousness of the impediments called canonical, and the extent of dispensations. By this industry the products have become so considerable, that the Court of Rome has been enabled to reserve to itself a large part. We cannot doubt, that to the fruitfulness of this tax, as much as to the theocratic pride of the bishops of Rome, we may attribute the unsocial and truly anarchical doctrines, which have more or less vitiated, in most of the European States, the laws relative to marriage.

The civil code, which, dissipating for ever these pernicious errors, has restored to the conjugal union its essential character, is a benefit of which society cannot yet be aware of the full value. The court of Rome feels it most sensibly, as we may be convinced by the bitter regrets it bestows on those abuses which these laws tear up by the roots, by its obstinate efforts to perpetuate the foolish doctrines which they confute, and, finally, by the zeal with which it maintains certain ceremonies, which resemble so many public protests against these laws.

The ceremonies of which we here speak are not sacramental ones; but, in order that what we have to say on this important head may be understood, we are obliged to recur to an explication altogether scholastic.

Theologians distinguish, in the administration of the sacraments, certain elements, certain acts, and certain words, or formulas, strictly necessary, and with-

out which, say they, the sacrament would not be actually communicated. They give to these substances, or indispensable actions, the name of "matter," and to the words essential, or formula, the name of "forms": after which, all the other substances, actions, gestures, and words, employed in the celebration of the sacraments, are nothing more than accessory ceremonies, that may be omitted without any danger of rendering it null.

This settled, let us demand of the theologians, in what consists the "matter" and "form" of the sacrament of marriage; and if they do not perfectly coincide in defining both one and the other, let us respect as essentials all the various ceremonies which they shall have some reason to consider as appertaining to this "form" or to this "matter." But, when, examining subsequently the ceremonies acknowledged to be casual, we shall there observe, notable outrages against civil authority, contradictions given to the law, discourses, in fine, which pretend, or even declare, the non-existence of a legal contract published by the magistrate in the name of the sovereign; without doubt it will be permitted us to accuse such accompaniments of being something more than superfluous. Let us dare to re-assert it, they thus scrupulously preserve them but as protestations and monuments of the theocratic system, of which they look forward to the future resurrection.

But a disorder much more important, a calamity



much more afflicting for the Roman state, for Europe, and for religion, was the temporal sovereignty of the popes.

There is no scourge in the world that has not been applauded, for there is, in fact, scarcely one vicious institution, which does not present at least some tolerable details. It often suffices to isolate and embellish those particulars to hazard a recommendation of the establishment to which they refer: and it is thus that complaisant writers have cried up the papal government. But authors in general have treated of it with more justice: and as they deal besides with a government established nearly ten centuries, which has had all that time to exercise its faculties and powers, the question reduces itself into, what have been its fruits, that is to say, what is the condition of the soil, of the population, of the agriculture, of the manufactures, of the commerce, of the private fortunes, of the public riches, and finally, of the manners and literature of that country which now escapes from under its hands? The pontifical court lived on the contributions of half Europe, but the principal part of the Roman population existed on parsimonious charity: such were the two springs which preserved the life, or rather the langour, of the state, and which perpetuated the sloth and superstition from which they themselves had birth.

Europe had been but too happy, if the temporal sovereignty of the popes had cost it nothing more

than the tributes, shameful though they were, of which we have spoken. But a pontiff king, who arrogates to himself under one of these titles what he cannot claim under the other, who irritates by his maledictions, combats with his anathemas, and supports in the name of Heaven the interests of a terrestrial ambition, such prince is necessarily the most dangerous rival which other sovereigns ever had reason to dread. This conclusion, which the history of a thousand years has confirmed, is consistent with the nature of things: and it were impossible that the popes, invested with this double power, should not aspire to universal monarchy. They have excited and prolonged more than one half of the wars which, since the death of Charlemagne, have not ceased to deluge Europe with blood; but this horrible influence was, we must confess, less their crime than their destiny: this function had been as it were conferred on them, in suffering them to unite political power with the ministerial office. Hildebrand, Innocent III. Julius II. and the most wicked of the popes, have only been the most faithful to their vocation.

But if, in destroying the monstrous alliance of the priestly office with royalty, the Emperor of the French has closed the severest wounds of Europe, he has not the less benefited, by this act of universal equity, the interests of religion itself. What scandal, in fine, could more severely afflict it than this

worldly pride, this unhappy ambition, this insatiable avarice of the successor of St. Peter ? What more irreconcilable still with the gospel, and all its sacred texts which relate to the priesthood ? Doubtless, if Jesus Christ had desired that the pontiffs should become kings ; if he had considered royalty as beneficial to Christianity, he had himself instituted it, exercised it, or at least had not so repeatedly published the decisions which condemn the establishment of it. He had not said, nor had his apostles repeated it after him, that his kingdom was not of this world ; that the priests should only exercise a pastoral care ; that it did not belong to them to rule ; that they were never to emulate the princes of the earth ; and, that they are unfaithful to their vocation when they interfere or suffer themselves to be implicated in secular affairs. The temporal power of the popes was too much opposed to the gospel not to become soon indeed fatal to the Church. The greater number of the schisms, heresies, and religious quarrels, which for ten centuries have disturbed the world, are imputed by history to this fatal power.

It is this, which by the excess of its abuses, has provoked these disorders, it is this which has extended, envenomed, and perpetuated them, by its rash anathemas ; it is because of its existence, that Christianity sees itself divided into such various communions ; and it is only because it is now ex-

tinguished that it will never more kindle new dissensions.

In the present state of the human mind and of knowledge, a new heresy is scarcely possible in Europe. There is generally all the respect which they merit for the doctrines of religion, and never were men less disposed to contest with the priests the right of exclusively inculcating them. Formerly emperors of the East discussed, and sometimes erred respecting, what relates to the divinity of Jesus, his peculiar person, his two natures, and his two wills; at the present period, sovereigns think rather how to govern their states, and abandon to the clergy dogmatical discussions, reserving to themselves the simple power of preventing those dogmas from being converted into articles of legislation or of policy. Such abuses are not without precedents: during the disputes about investitures, the claims of sovereigns were branded as heretical; and after the year 1682, they ventured to apply this odious character to the Four Maxims of the Gallican Church. It is therefore important to trace on all occasions a precise boundary between that which is doctrine and that which cannot be such.

Nothing had been more useful than a code of dogmas in which were embraced all these tenets, without any mixture of opinions which had not acquired this specific character. Never have we been able to obtain, either from the popes or from



general councils, this efficacious preservative against disputations, and the futile accusations of ‘heresy.’ But in fact there exists three creeds, attributed, one to the apostles, the next to the council of Nice, the last to St. Athanasius ; without entering into any discussion on their authenticity, we may assure ourselves at least, that they are ancient, and, it would appear, ought to contain all that a Christian is obliged to believe. However this may be, it is at least certain, that the church has received no new revelation, that it has made no new discovery in theology, and that consequently they cannot charge us to believe, save that which was believed by our fathers ; which excludes, in matters of faith, every decision that tends, otherwise than literally, to renew a previous one. To renew, we say, and not to amplify by way of induction : for such is the nature of the mysterious doctrines of Christianity, that they admit not of conclusions similar to those drawn from the propositions of human science. To these considerations, which circumscribe more and more the region of doctrine, let us add, that they never can relate but to the attributes of God, to spiritual substances, to the future state of the soul, the incarnation of Jesus Christ, our redemption, the grace which sanctifies us, the sacraments which communicate it, and other mysteries like these, altogether remote from the administration of empires, the duties of subjects, and the rights of sovereigns. Here then is, it appears,

more than is requisite to preserve from every heresy, and to repel the impositions which have for their object, the erection into doctrines the ambitious pretensions of the clergy or of their chief.

Now we require to know, what is the object of the actual conduct of the most-holy father? what effects will his obstinacy produce in declining to fulfil his pontifical duties, and in forgetting what is due to the authority of his sovereign, of his benefactor, of him to whom under God, he owes every thing?

Does he seek by such means to recover a kingdom in this world? On the contrary, he risks the ecclesiastical administrations with which he is environed; the secretaryship, the chancery, the datary's office, the penitentiary; the congregations of the holy office, of the propaganda, of the index, of canonization, of privileges, and perhaps, the college of cardinals itself. His Holiness demonstrates, by the event, that they can now, as well as in the first ages of the Church, dispense with these expensive institutions, that religion requires not this mass of scaffolding, and that Jesus and his apostles, who certainly never conceived an idea of them, had, nevertheless, omitted nothing necessary for the propagation and lustre of the christian religion.—At least, we too well know what mischief each of these divisions of the pontifical government has produced, what superstition it maintained, what falsehood it spread, what absurdities it has perpetuated;

what discord it has fomented, and of what description of persecutions it was the instigator ; but as to discovering the services rendered by these administrations, to religion, to morality, to letters, to the sciences, to the people or to their sovereigns, the undertaking would be difficult, and perhaps, would prove unfruitful.

Would his Holiness derive hope from troubling the public tranquillity, agitating the minds of men, leading them into revolt, and finally to shake even the sovereign authority ! In truth this project, in virtue of its puerility and lack of means, almost merits to be declared innocent in spite of the criminality of the intention. It supposes a total ignorance of the present state of the French empire and of Europe. Let the bishop of Rome persevere, after the expiration of the eighteenth century, to speak still in the language of Hildebrand, one may conceive such obstinacy ; but it is carrying stupidity too far not to perceive that the people are no longer what they were in the middle ages ; and it is the extreme of blindness to be insensible to the invincible power of the august hands which now govern the destinies of the empire. The public mind has made too much progress, and religious sentiment is become too pure for fanaticism to be so easily awakened. The nations will no longer mistake for the cause of God, that of a bishop, who demands the restoration of a temporal power of which the Gospel interdicts him

the exercise. The only effect, which the display of his anger could obtain would be, to furnish matter in certain holes and corners to lively disputes between priests, or tedious dialogues among idle women. It is certain, that in the places removed from the centre of empire, and where the general movement of the affairs of Europe is scarcely perceived, the smallest object acquires importance, and a bull itself, a brief, a monitory, may excite an interest. Considered in this point of view, the manoeuvres which the holy father indulges himself in are not without their inconveniences, as they tend to introduce division in places the most tranquil, to disturb the peace of families, and to take off the attention of wives and of masters from their domestic duties. But serious as is this injury, and culpable as he must be who causes it, there is nevertheless a wide difference between it and the evils produced by seditions, civil wars, and the general overthrow of society. A pope may indeed be still an inconvenience, but it is no longer in his power to be a scourge.

The more immediate effect of the conduct of the most holy father would be, to prejudice infinitely the advancement, and even the preservation of Catholicity. It is putting to a very strong proof the faith of the people of the 19th century, to place so immediately before their eyes this rude spectacle of pontifical egotism. Many of the popes have scandalized, in various ways, the world ; but this is the



first specimen of an evangelist abandoning all care of souls, to occupy himself alone with temporal concerns, renouncing the exercise of sacred functions, because no longer permitted to discharge profane ones, and neglecting all his duties to lament, more at his leisure, the loss of his treasures. We may demand, what more could a pontiff do who should despise in secret the doctrines which he taught ; and, when the head of the church evinces his faith so badly by his works, to what danger may not the simple faith of the vulgar be exposed ? What a triumph for the schismatic communions, for the heterodox creeds, whose ministers, submissive to the laws, and faithful to the sovereign, religiously practice that gospel which we accuse them of not understanding. But, to whatever dangers the pope may have abandoned the church of France, the providence of God, and the genius of the sovereign, preserve it from all heresy, from every schism, and even from all disturbance. They shall not be tempted to contest any doctrine ; they shall be tender of injuring them ; and, if there should be need of regulations to maintain the succession of pastors, and to prevent the public worship being interrupted, these regulations, drawn from the seven first centuries of christianity, shall oppose themselves alone to the “ False Decretals” and the maxims of Hildebrand.

The means which the popes employ in the present day to abolish divine worship in France is, to refuse

canonical institution to the bishops nominated, and to be nominated, agreeable to the concordat : he hopes that this refusal, prolonged during a sufficient number of years, shall extinguish the episcopacy, the priesthood, and the administration of the sacraments ; and that, in order to recover a liturgy, it will be finally necessary to restore him a kingdom. Behold this strange reckoning, this whimsical speculation, lead the holy father away, in the present day, from all the canonical rules, even from those he himself would willingly take advantage of. In fact a bull of institution can never be legally refused, but in case of the incapacity or personal unworthiness of the individual elected.—Here the pope has indeed less a right to exercise than a duty to fulfil ; and it is on his part an unbecoming subterfuge, to substitute his own caprice for the result of the enquiry he should make into the qualifications of each subject. The maxim which we have now asserted is so true, that Innocent XI. respected it, even at the time he abused this right of institution. The elected, to whom alone it was not given, were those simply who had signed the declaration of 1682, which contained, according to her, four extremely pernicious errors.

This was, no doubt, a very absurd allegation : but in fact the reason for not ordaining attached itself to the person of the elected himself under a precise charge made against him ; and caution was observed in avowing a resolution not to confirm

the nomination of the sovereign. In the present day, on the contrary, it is in consequence of the relations in which he finds himself with the prince himself, that the decision is taken not to agree to any of the persons nominated by him, whatever their merit, their principles, or their individual qualifications. It is true that a pretence was made lately of being scandalized by the choice of certain persons transferred from one see to another ; but this motive of refusal can be but accessory, since it does not exist with respect to many others whom he is not at all more willing to ordain ; it is besides too late, since, before the disputes which have led to this pouting, the translation of bishops has been twenty times authorized to a second, third, and even fourth see. It is certainly the case, that the ancient canons condemned this inconstancy, and that certain fathers of the church discovered in these changes we know not what characteristic of divorce or of bigamy ; but it is not very becoming to affect being troubled with these antique scruples, after evincing a greater exemption from them than any of the two hundred and fifty-nine popes whom he succeeds has ever done.

There is more than one christian-like mode of dispensing with institutions so abusively refused. Already the chapters have declared themselves invested with the 'right' of confiding the administration of the diocese to the prelates nominated by the prince. We must avow that this is not traceable to the first ages of the church, not even to

the fifteenth century ; that it reposes alone on modern customs, or upon ecclesiastical decrees of little repute in France ; that, besides, the present chapters exist but by virtue of the Concordat of 1801 ; that they can have no other rights but those which this Concordat confers on them, and that in effect it grants them so few, that abstaining even from expressly creating the chapters, it contents itself with permitting each bishop to establish one ; that, consequently, such chapters neither continue, nor represent in anywise, those which, previous to 1789, under a different system altogether, of laws, of customs, and of circumscription of dioceses, enjoyed many other prerogatives, now lost without remedy. But, in truth, this ‘right’ which the cathedral clergy claim in the present day, to make so honorable a use of, is at least of the class of those new institutions of which the pope avails himself, and which may be opposed to him as arguments ‘*ad hominem*.’

In returning to the subject, we must say with Bossuet,<sup>(1)</sup> that the investiture of bishops by the pope is a ‘very modern’ custom ; that many churches in the East and in the West, especially those of France and of Spain, have enjoyed the absolute right of installing their prelates without the pope’s bulls, and without having any recourse to the Holy See, as one may easily convince themselves, adds Bossuet, in reading the canons of these

(1) *Def. Declar. Cl. Gal.* l. 8. c. 15.



churches. Now a very modern usage may be abolished, and a very ancient right be re-established with great benefit to religion. Nothing then opposes itself to a bishop, nominated by the Emperor, receiving canonical institution from the metropolitan; nor to the metropolitan; being confirmed by the college of his suffragans.

The intervention of the pope here is by no means necessary; it is not required by the gospel, nor by the writings of the apostles; neither by the ancient canons, nor the usage of the earlier ages of christianity.

Since the pope no longer wishes to fulfil the functions conferred on him by the concordat of 1801, it becomes necessary that a solemn act assign them to the bishops, to the metropolitans, and to the patriarchs, agreeable to the ancient legislation of the Church. Here one point alone is found established by the holy scriptures and by ecclesiastical history, that the pope is the first of bishops: as to the functions attached to this primacy, they have taken, in the lapse of years, more or less of extent; but up to the year 800, they had remained very circumscribed: in proportion as they were encreased, the papacy became depraved, discord divided the churches, the clergy became corrupt, scandals prevailed, and faith almost became extinct. After the example of St. Louis, and of Charles VII, the Emperor of the French can, without doubt, publish a pragma-

tic sanction, which, conformable in every respect to the gospel, to the maxims of the Gallican Church, and to the constitutions and civil laws of the empire, may finally recal the Pontificate to its primitive modesty, and compel it once more to become edifying, or at least, prevent it from prejudicing any longer, the Christian Religion, and the tranquillity of nations.

## EXPOSITION OF THE MAXIMS OF THE COURT OF ROME,

FROM THE FABRICATION OF THE "FALSE DECRE-  
TALS," AND ESPECIALLY FROM THE TIME OF GRE-  
GORY VII. DOWN TO OUR OWN TIMES.

**T**HE records of which the Court of Rome has availed itself were the fabrications of the eighth century of the vulgar era. The ignorance into which both kings and people were plunged, the troubles which agitated the East and the West favored the success of the grossest impostures.

The Emperor of Constantinople, Justinian II. banished, re-established, put to death; Anastasius confined in a monastery; Theodosius compelled to accept, and soon after to abdicate the crown; Leo the Isaurian reviving religious quarrels, setting fire to a library, and delivering at once to the flames its books and the learned men who studied them; his son, Constantine Copronymus, theologian and proscriber; Irene massacreing the brothers of her husband, and dethroning and murdering her own

son : these are the personages under whom, during the eighth century, the Greek Empire, torn by factions, became perpetually the prey of the Saracens, the Huns, the Goths, and the Lombards.

Liutprand, king of the Lombards, dreaded by the Greek emperors and also by the Roman pontiffs, had reigned over a large proportion of Italy ; but, after him, Astolphus was humbled, and Desiderius dethroned, by the French. These strengthened and aggrandized themselves daily since governed by a new dynasty. Pepin had confined in a monastery Childerick III. the last of the Merovingian race, and caused himself to be respected on a throne disgraced by the effeminacy and imbecility of Childerick. Charles, the son of Pepin, conquered and ruled the whole of the Gauls, a part of Germany, Italy as far as Calabria, Spain to the Ebro, and Poland to the Vistula. In him revived a title abolished from the time of Augustulus ; he founded a new line of Emperors of the West, and the kings of Lombardy disappeared. The ascendancy of this prince fired the ambition of the popes ; but he wanted the knowledge and information necessary to preserve Europe from their impostures, and his house from their designs.

The “Donation of Constantine” was forged between the years 755 and 776 ; we have collected the documents which lead to this conclusion ; and



it is confirmed by the opinions of the best critics, for example Muratori. <sup>(1)</sup>

The first piece in the archives of the castle of St. Angelo had for its title : “ *Copia Donationis Constantini* ”—Copy of the Deed of Gift of Constantine. As this copy is not altogether conformable to those which we meet with in the decree of Gratian, and in the first volume of the collection of the Councils, we here transcribe it, and translate it literally.

“ Imperial Decree, written, done and granted unto the sacred, holy, catholic and apostolic Roman Church, by the blessed Constantine, the first of the emperors who was a Christian.

“ In the name of the holy and indivisible Trinity, Father, Son and Holy Ghost, of Jesus Christ, one of this same Holy Trinity, our Saviour, Lord and God ; I Cesar Flavius Constantinus emperor, faithful, peaceful, gracious, Allemanic, Gothic, Sarmatian, Germanic, Brittannic, Hunnic, pious, happy, victorious, triumphant, ever august ; to the very holy and blessed father of fathers, Sylvester, bishop and pope of the great city of Rome, and to all his successors, sovereign pontiffs, who, even to the end of the world, shall sit upon the chair of the blessed Peter ; and, to all the venerable, pious, and catholic bishops, who, in virtue of our present

(1) See Appendix A.

(2) Ibid. B.

imperial constitution,<sup>(1)</sup> are subject to the above-mentioned sacred and holy Roman Church : grace, peace, love, joy, propitiation and mercy, be granted unto us all by the Almighty God, the Father, his Son Jesus Christ, and the Holy Ghost. The prodigies that our Redeemer, Saviour, and Lord, Jesus Christ, Son of the Most High, has condescended to accomplish in our favor, by his holy apostles Peter and Paul, our father Sylvester, sovereign pontiff and universal pope, procuring these great prodigies, we are minded to relate clearly in this our imperial writing, in order to transmit them to the knowledge of posterity, and to inform all the people of the earth of them : the confession that we are going to publish proceeds from the most secret folds of the heart of our gentle Majesty.

“ And first we profess and proclaim our faith, that which our above mentioned blessed father and intercessor Sylvester, universal prelate, has taught us for the edification of all our souls ; and we publish the benefits with which the mercy of God has loaded us. For we wish that you all know, even as we have already declared to you, by a previous sacred declaration, that you may know, how, detached from the worship of dumb idols, which hear not, made with hands, diabolically put together ; and, from all the

(1) A remarkable clause, by which the framers of this piece seem to carry the jurisdiction of the bishop of Rome over other bishops only up to the fourth century.

pomp of Satan, how, converted to the pure faith of christians, which is the true faith and life eternal, we have been, by our said marvellous and supreme father and preceptor, Sylvester, instructed to revere God the father, creator of heaven and earth, of all things visible and invisible, Jesus Christ his only son, our Lord, by whom all things have been made, and the Holy Ghost, vivifyer of every creature : Father, Son, and Holy Ghost ; which it is necessary to recognize in such way as to adore in a perfect trinity both the plenitude of divinity and the unity of power. The Father is God, the Son is God, and the Holy Ghost is God, and the three make but one. There are then three persons, there is but one power. Now, after having accomplished the creation of the celestial powers, and of all terrestrial matters, by a benevolent resolution of his wisdom ; after having, with a terrestrial clay, formed man in his image and in his likeness, he placed him in a paradise of delights. Man became the object of the jealousy of the ancient serpent, of the enemy the devil, who, inducing him to taste of a forbidden fruit, too bitter fruit, occasioned his being exiled from the mansion of bliss. Since this expulsion, the devil has neglected in no manner to strike at the rest of men and pierce them with his mortal arrows, so as to turn them away from the way of truth, and subject us all to the worship of idols, to the worship of the creature and not of the Creator, and to bind

in eternal torments, those who suffer themselves to be ensnared by his artifices. But God, touched with compassion for his own work, sent holy prophets forth, announcing by them the light of life, his Son, our Saviour, Lord and God, Jesus Christ; afterwards he sent this only Son himself, the Word of Wisdom, who, descending from the heavens for our salvation, was born of the Virgin Mary; the Word was made flesh and dwelt among us; not ceasing in the least to be that which he was, but commencing to be that which he was not: perfect God, working miracles as God; enduring as man the sufferings of humanity: Word, Man, and God, in which our father, Sylvester, sovereign pontiff, has made us perceive, without any uncertainty, a true God, and at the very same time a true man. Having then chosen twelve apostles, in their presence, and before immense multitudes, he manifested himself by the most wonderful miracles. We confess that our Lord Jesus Christ has fully accomplished the laws and the prophets, that he has suffered, that he has been crucified, agreeable to the Scriptures; that the third day he had been raised from the dead, that he ascended into heaven, that he is seated at the right hand of his father, that from that he will come to judge the living and the dead, and that his kingdom will never have an end. Such is our orthodox faith, expounded to us by our blessed pope Syl-



vester. Therefore, we exhort and invite all people, and the various nations of men, to maintain and preach this doctrine ; to receive the grace of baptism, in the name of the holy Trinity, and to render pious homage to our Lord and Saviour Jesus Christ, who, with the Father and the Holy Spirit, reigns throughout eternal ages, and who is preached by our blessed father Sylvester, universal prelate.

“ In fine, our Lord having had pity upon me a sinner, has sent his holy apostles, and, visiting us, has spread around us the light of his brightness, has drawn us forth from the bosom of darkness, and has deigned to conduct us to the knowledge of the truth. For, a shameful leprosy having closely attached itself to all the flesh which covers my body, and many physicians, applied to for my cure, not having been able to restore me to health, in these circumstances the priests of the capitol came to find me, and told me that I must make a pond in the capitol, and fill it with innocent and warm blood, and that it would be sufficient for me to bathe in it in order to obtain expiation and recovery. Conformable to these counsels, many innocent children were collected, and these wicked priests desired to have their throats cut, in order to fill the pond with their blood. The tears of the mothers moved our serenity ; taking pity on these tender mothers, and in horror of this execrable crime, we commanded

these children to be restored to their families ; we caused them to be provided with conveyances, and with many presents sent them back rejoicing to their own homes. The day past, night came, and, during our sleep, the holy apostles Peter and Paul presented themselves to us and said to me : “ Because thou  
 “ has put a stop to crimes, and that thou hast had  
 “ in horror the effusion of innocent blood, we will  
 “ give thee counsel, which can restore thy health.  
 “ Hear then our precept, and do that which we shall  
 “ command thee. The bishop of this city, Sylvester,  
 “ flying from thy persecutions, is concealed with  
 “ his clergy in the depths of the caverns of Mount  
 “ Soracte. Cause him to come to thee, and learn  
 “ from him to know the true pond, that in which it  
 “ will suffice thee to be thrice plunged in order to  
 “ be relieved from thy hideous leprosy. The price  
 “ to be paid the author of thy cure will be, to cause  
 “ the churches to be everywhere restored. But, in  
 “ order to purify thyself, it is necessary that renoun-  
 “ cing the superstitious worship of idols, thou shouldst  
 “ honor and adore the one true God, and that thou  
 “ shouldst fulfil his will.” I awoke, and did as the apostles commanded me. I sent for the very excellent father Sylvester, universal pope, who has enlightened us : I shewed him what the holy apostles had commanded me, and asked him what gods those were, named Peter and Paul. He told me they could not properly be termed gods, but that they

were the apostles of the Saviour, our Lord Jesus Christ. Once more, interrogating the blessed pope, I wished to know from him, if any portraits of these apostles existed, and if I could not recognize in such pictures the persons who had appeared to me in the vision. Then this very venerable father caused the images of the holy apostles to be brought by a deacon : I saw them ; I recognized in them the figures which had appeared to me in the dream ; and I exclaimed, in a loud voice before our nobles, that they were the figures themselves. Forthwith our blessed father Sylvester, bishop of the city of Rome, prescribed to us the time of the penitence which we were to undergo, clothed in hair cloth, in the interior of our palace of the Lateran ; in order that all our impure deeds, all our unjust actions, might be effaced by fasts, by watchings, our tears and our prayers to the Lord our Saviour.

Afterwards the clergy imposed their hands upon me, and I thus came before the sovereign pontiff : there, renouncing the pomps of Satan and his works, and all idols made with hands, I declared of my free will, in presence of all the people, that I believed in one sole God, the Father Almighty, creator of Heaven and Earth, of all things visible and invisible, and in one only Lord, Jesus Christ, only son of God, our Lord, conceived of the Holy Spirit in the womb of the Virgin Mary. This blessed pond received me and purified me by a triple immersion in healthful water.

And, while I was in this pond, I saw with my proper eyes a hand which, from Heaven, touched and healed me. I arose, and perceived that no trace of my hideous leprosy remained with me. They drew me forth from the sacred pool, and clothed me in white vestments. The seven-fold gift of the Holy Ghost was given to me, and by the contact of the blessed oil, the father Sylvester impressed upon my forehead the sign of the holy cross, saying, "May God sign thee with the seal of his faith, in the name of the Father, of the Son, and of the Holy Ghost." To which was responded "Amen." And the sovereign prelate added: "Peace be to thee." Therefore, three days after, having received the sacrament of divine baptism, and obtained the cure of my leprosy, I came to know there was no other God but God, Father, Son, and Holy Ghost, whom the blessed pope Sylvester preaches to us; trinity in unity, and unity in trinity. For it is clearly proved, that all the gods of the nations, which I honoured formerly, are demons, the works of man's hands.— Afterwards the same excellent father exposed to us openly, what great authority in Heaven and in Earth had been conferred by our Saviour on the blessed Peter his apostle, when, having interrogated him and found him full of faith, he said to him "Thou art Peter, and on this rock (petram) I will build my Church, and the gates of Hell shall not prevail against it." Now, Princes ! hear, and let the ears



of your heart hear what the best of masters, what the Lord has given to his disciple, in saying to him ; “ And I will give you the keys of the kingdom of Heaven ; and what you shall bind upon Earth, shall be bound in Heaven also.” Astonishing words, admirable oracle ! To bind to unloose on Earth, is to have bound and loosed in Heaven ! After having acquired this information from the lessons of the blessed Sylvester, and feeling myself healed of my bodily leprosy by the good office of the blessed Peter, we have, by the advice of all our satraps, judged it expedient, that the blessed Peter having been appointed vicar of the son of God upon earth, so also those who shall hold the place of the prince of the apostles in our empire, may enjoy an authority greater than that with which our serenity appears invested. We choose the prince of the apostles and his successors for our own intercessors with God ; and as our imperial authority is revered upon earth, so ought to be respectfully honoured the sacred and holy Roman Church. We ought even to glorify and exalt the very holy chair of Peter above our own imperial terrestrial throne, and render to it authority, glory, dignity, strength, and imperial power and honour. Farther, we decree and enact that the Roman Church shall rule over the four patriarchal thrones of Antioch, Alexandria, Constantinople and Jerusalem, as well as over all the other churches of God ; that he who at all times shall be pontiff of the

said church of Rome shall be the superior<sup>(1)</sup> and prince of all bishops ; that all the cures to be taken for the support of divine worship, and in order to reign pontiff, universal pope of the city of Rome, confirm and strengthen the faith, shall be directed by his judgments and by his supreme decision. For it is just to establish so holy a pre-eminence in the place where our Saviour, the author of holy laws, has willed that the blessed Peter should occupy the seat of the apostolic church ; which Peter, suffering the death of the cross, has drank the cup of the same blessed death, in imitation of him of whom he was the disciple and servant. It is necessary that at all times, even to the end of the world, a master may be sought to in that place where the body of our patron saint reposes ; that the nations come to confess the name of Christ, and bow their heads in that same place in which their doctor, the blessed apostle Paul, presented his and obtained, rendering thanks to Jesus Christ, the crown of martyrdom.— There ought the world to bow and humiliate itself under the empire of the celestial king, of Jesus Christ our Lord and our Saviour, there, where earthly kings have stooped to the yoke of a superior authority.— For this purpose, we will, that all the people of the

(1) Thus the compilers of this document cause the law to emanate from Constantine only, which subjected to the church of Rome the other churches of Christendom.

universe may know how, in our palace of the Lateran, we have founded and erected a temple with a baptistery in honour of our Saviour and Lord Jesus Christ. Know particularly that, burdening our proper shoulders, we have ourselves drawn from this place twelve hods of earth, twelve, that is to say, as many as there were apostles. Therefore we ordain, that this sacred and holy church be called, honoured, proclaimed and revered, as the head and crown of all the churches of the earth, even as we have already enacted by our former imperial decrees. We have also built churches to the blessed Peter and Paul, princes of the apostles: churches which we have caused to be decorated with silver and gold, and to be magnificently embellished.

“ There, enclosing their very holy bodies, and applying ourselves to do them honor, we have made for them coffins of amber, a material whose power exceeds that of all the elements; and upon the one and the other coffin we have placed, and secured with nails of gold, a cross, composed of gold most pure and stones exceeding precious. For the maintenance of lights, we have assigned to the said churches possessions and lands: our imperial and divine decree has signalized our respect for the Church by bounties and immunities in the East and in the West, in the North and in the South; that is to say, in Judea, in Asia, Thrace, Greece, Africa, Italy, and in various isles; in such way that all may

be at the disposal of our blessed father and sovereign pontiff, Sylvester, and his successors. Let all the people then rejoice with us : we exhort all the nations by whom this terrestrial globe is inhabited, to render with us to God, to our Saviour Jesus Christ, thanksgivings never ceasing, for that God himself, who inhabits the heavens above, and the earth beneath, has visited us by his holy apostles, and has rendered us worthy to receive the holy sacrament of baptism, and the health of our body. For which benefits we have given, and, by these presents, we do give to the holy apostles Peter and Paul, and by them unto the blessed Sylvester, our father, sovereign pontiff, universal pope of the city of Rome, and to all his successors, sovereign pontiffs, who even to the end of the world shall be seated in the chair of the blessed Peter : first, our palace of the Lateran, which, of all the palaces of the earth, is the most honoured and the most excellent ; in the second place, our diadem, that is to say, the crown of our head ; likewise the Phrygian ornament which covers it, that is, our mitre ; moreover, the ornament which spreads over our shoulders, and environs our imperial neck ; also, our chlamyde of purple, and our scarlet vest : in one word, all our imperial habiliments. To which we add sceptre, escort, couriers, and horsemen, all the honours and all the ornaments of empire ; in such sort as that the holy father, in his processions, may march en-



vironed with all the lustre and power of an emperor. At the same time we decree, that the most reverend clergy of the different orders which serve in the sacred and holy church of the Romans, be elevated to a degree of glory, of excellence, and of power, which may place them on a level with our very honorable senate, that is to say, of our patricians and consuls. We further will, that the aforesaid clergy be clothed with other dignities of the Empire ; that the clerks of the holy Roman Church be decorated like the imperial army ; that the authority of the holy Roman Church may be displayed by the number and diversity of its officers, chamberlains, door-ushers and guards, even like that of the emperors ; that the sovereign pontiff shine afar off by the splendour of his appearance ; that the horses of the clerks of the said Roman Church be ornamented with white harness and caparisons ; that the said clerks may go their progresses with magnificence ; that they wear upon their feet shoes like those which our senators wear ; in order that all things celestial and terrestrial be decorated for the glory of God. Above all, we declare, that our father Sylvester, bishop of our city of Rome, and all his successors for the time to come, may have, for the greater glory of our Lord Jesus Christ, liberty to admit, as honorary members, into the body of the venerable clergy, every individual of our illustrious senate, without its being permitted to any who shall

thus have been called, to refuse from pride the ecclesiastical order. We further will, that our father Sylvester, sovereign pontiff, worthy of all homage, and, in succession, all the prelates who come after him, make use of the diadem and of the crown which we have taken from off our own head to bestow on the said pope, a crown formed of the purest gold, precious stones, and pearls; and, that they carry the same upon their heads, for the glory of God and the honour of the blessed Peter. And, as the said blessed pope, because of the clerical crown which he wears on his head for the honour of the blessed Peter, has been unwilling to make use of a golden crown, we ourselves have, with our proper hands, imposed upon his most holy head a Phrygian mitre or head-dress, whose whiteness represents the Saviour's resurrection; and, holding the bridle of his horse in honour of St. Peter, we have filled towards him the office of equerry, ordaining, that all his successors make use of the said head-dress in their processions, in imitation of our empire. And, in order that the head of the sovereign pontiff be not held at a vile price, in order, on the contrary, that it be encompassed with the greater dignity, with the power and the glory of a terrestrial empire, behold we bestow upon him, as has already been said, our palace! And further, delivering and ceding to our blessed father Sylvester, so often before named, and to his successors, the city of Rome, all Italy, and

the provinces, places, and cities of the western region ; we enact by our present decree, that they be administered by the authority and the judgment of the said pope, and the sovereign pontiffs his successors, and, that they shall be and remain subject to the prerogative of the holy church of the Romans. In consequence, we have judged it expedient to transfer to the eastern provinces our empire and its glory, to build a city after our name upon the excellent territories of Byzantium, and there to establish our said empire. For, where the celestial king has placed the sacerdotal principality and the head of the Christian religion, there, in strict justice, ought no longer to remain the authority of a terrestrial government. It is our will that all the dispositions announced and established by our present writing, and in our other divine decrees, remain fixed and immovable, even to the consummation of all things. For this reason, in presence of the living God, who has clothed us with the imperial authority, and in the name of his terrible judgments, we declare by this present decree, unto all the emperors our successors, to all the satraps, to all the nobles of Rome, to all the most honorable senate, and to all the people of the earth, those who exist, and those who shall exist hereafter, that it is not permitted to any one of them, to forward the slightest attempt against the privileges and possessions granted by our present imperial decree. But if there should be found,

which however we do not presume, one whose arrogance dares to despise our law, let him be devoted to eternal curses and tortures ; may the holy apostles of God, Peter and Paul princes of the apostles, be at enmity with him in the life that is, and in the life to come ; and let him perish, in the midst of tortures, in the abyss of hell, with the devil and all the impious. In order to give to our present imperial decree the more authority, we have fortified it with the writing of our proper hand ; and with our own hands also we have deposited it upon the venerable body of the blessed Peter, prince of the apostles : there, we have promised to the apostle of God, to maintain inviolable all the above-mentioned articles, and to transmit them to the emperors our successors, to be by them preserved for the benefit of the blessed Sylvester our father, universal pope, and, after him, for all the sovereign pontiffs his successors ; to the end that, with the good pleasure of the Lord God, our Saviour Jesus Christ, the possession of the above rights for ever remain happy and undisturbed."

In translating this document, we have believed ourselves to have taken the better way to demonstrate its falsity. Nevertheless, we should not forget that it has been revered for eight centuries, and that it is the first foundation of the power of the bishops of Rome. At the same period in which it was fabricated, or perhaps some years before, Stephen III.



had caused to be communicated to Pepin the Short, a letter of St. Peter, couched in these words :—

(1) “ Peter, called to the apostolic office by Jesus Christ, the son of the living God, who, reigning before all ages with his father in the unity of the Holy Ghost, became flesh in these latter days, and for our salvation was made man, and who has ransomed us with his precious blood, by the will of his glorious father, as he had announced by his holy prophets.

“ With me, and by me the whole Church of God, Catholic and Apostolic, to wit, the Roman church, the mother of all the churches of God, founded upon a firm rock, by the blood of our Redeemer ; together with Stephen, prelate of this same august church.

“ In order to rescue from the hands of its persecutors the same holy church of God, and his Roman people who are confided to me, grace, peace, and virtue be granted more abundantly unto you, by the Lord our God.

“ To you, excellent men, Pepin, Charles and Carloman, three kings, and to the holy bishops, abbots, priests, to all the monks, as well as to the dukes, counts, armies and inhabitants of France.

“ I Peter, the apostle, called by Christ the Son of the living God, in virtue of a decree of the sovereign clemency, to enlighten, by means of his power, all the universe, even as the Lord our God has

confirmed, in saying : Go ! teach all the nations, baptizing them in the name of the Father, and of the Son, and of the Holy Ghost ; and again : Receive ye the Holy Ghost ; the sins shall be remitted to those to whom ye shall have remitted them ; and, addressing me, his poor servant, called an apostle, and recommending to me in particular his sheep, he said to me : Feed my sheep, feed my lambs ; and again Thou art Peter, and on this rock (petram) I will build my church, and the gates of Hell shall not prevail against it ; and I will give thee the keys of the kingdom of Heaven, and whatsoever thou shalt bind on earth shall be bound also in Heaven, and whatsoever thou shalt loose on earth it shall so be done in Heaven likewise.

“ Let all those, therefore, who have heard and fulfilled what I have preached to them, rest assured, that their sins are, by the order of God, forgiven them in this world ; and henceforward let them preserve themselves pure and unspotted. You, whose hearts the Holy Spirit has enlightened, you, whom the preaching of the evangelic word has made lovers of the holy and undivided Trinity, the hope of your future reward is, without doubt, attached to this church of God, the Apostolic and Roman Church.

“ It is for this cause, I Peter, apostle of God, who have adopted you as my children, stimulate and exhort your charity to defend this city of Rome and the people which is confided to me, to protect them against their enemies ; to preserve the House where I dwell, according to the flesh, from the pollutions of the na-

tions ; and to deliver the Church of God, which the Divine Power has entrusted us with ; which things I solicit and adjure of you, because of the afflictions and oppressions which they have endured from the very wicked nation of the Lombards. Do not deceive yourselves my beloved friends ; but be certified that it is I myself that, living, you behold before you : that it is I myself, in person, who conjures you, and addresses to you these exhortations. Because that, according to the promise which we have received from our Lord God and Redeemer, we cherish you, ye people of France, above every nation ; therefore, we convey to you as in an enigma, and conjure you earnestly, you three very christian kings, Pepin, Charles, and Carloman, and all the priests, bishops, abbots, and monks, and all the judges, also the dukes, counts, and people of France ; therefore it is, I say, behold me as present in the flesh and living before you, myself, Peter, the Apostle of God. Believe indeed, that I speak to you, that I exhort you ; though absent carnally, spiritually I am in your presence : for it is written, he who receives a prophet in the name of a prophet shall receive the recompense of a prophet. But our Lady, the mother of God, ever virgin, adjures you with us this day ; she supplicates, exhorts and commands you ; the thrones and dominions, all the armies of the celestial militia, and the martyrs and confessors of Christ, and all those who please God, join in seeking us in order to

conjure, exhort and adjure you to take pity on this city of Rome, confided by the Lord God unto us, on the sheep of the Lord which dwell therein, and on the holy church of God which the Lord has given me in charge. Defend it, deliver it, hasten to snatch it from the hands of the Lombards who persecute it, lest my body, which God forbid, my body which has suffered many tortures for the Lord Jesus Christ, and my House in which this body, by the command of God, reposes, be defiled by the said Lombards, lest my people be torn and massacred by these perjurers who transgress the divine Scriptures. Present then, with the aid of God, the assistance of all your forces to my Roman people, whom God has confided to me, and whose brothers in this life you are, in order that I Peter, an apostle called of God, may, both in this life and at the day of future judgment, become in my turn your patron; may prepare for you tabernacles fair and brilliant in the kingdom of God, and acquit myself to you wards, in procuring you the eternal rewards and infinite joys of paradise: all on condition, that my people, my city of Rome, and your brethren the Romans, shall be by you speedily defended against the iniquitous Lombards. Fly, I exhort and conjure you thereto by the true and living God; fly, and arrive to our succour, before the living fountain, in which you have been consecrated and renewed, be dried up; before the last spark of the ardent flame which enlightened



you be extinguished ; before your spiritual mother, the holy church of God, in which you hope to receive eternal life, be humiliated, invaded, violated, and profaned, by these impious men. I conjure you thereto, my very dear adopted sons, I conjure you thereto by the grace of the holy spirit, I supplicate and exhort you thereto in the presence of the terrible God, the creator of all things ; I Peter, the Apostle of God, and, with me, his Holy Catholic and Apostolic Church, which the Lord has confided to me, we, one and all, pray you earnestly, not to suffer this city of Rome to perish, in which the Lord has placed my body, which he has given into my care, and in which he has established the seat of his faith ; deliver her, and the Roman people, your brethren, and suffer her not to be invaded by the nation of the Lombards. Already are your provinces and possessions invaded by nations of whom you are ignorant ; do not separate yourselves from my people of Rome ; for, this would be to separate yourselves from the kingdom of God, and from life eternal. All that you shall demand of me, assistance or patronage, I will grant you. Succour my Roman people, succour your brethren ; contend perfectly and achieve their deliverance. The crown is not obtained until after having combated, as is expedient : combat then courageously for the deliverance of the holy church of God, lest you yourselves perish eternally. I conjure you thereto, as

has been above said, my beloved friends, by the living God, and I altogether supplicate you to it ; permit not in any wise, that this city of Rome, and those who inherit it, be any longer preyed upon by the Lombard people, lest your own bodies and souls suffer the same torment, in the eternal and inextinguishable fire of hell, as is suffered by the devil and his pestiferous angels ; prevent them from dispersing the sheep of the flock of the Lord, the flock confided to me, that is to say, the Roman people, lest the Lord disperse you and cut you off, even as the people of Israel have been dispersed.

“Above all nations under the heavens, yours, oh ! Frenchmen, is first in the eyes of Peter, the apostle of God ; and on this account it is that I have recommended to you, by the hands of my Vicar, that church which the Lord has given me, in order that you may be pleased to deliver it out of the hand of the enemy. Believe firmly, and hold it for certain, that I, the servant of God, called to the apostolat, have relieved you in all your necessities, at such time as you have asked it of me ; and that, by the virtue of God, I have granted you the victory over your enemies, and that henceforward I shall grant it to you also, doubt not, if you come very quickly to deliver my city of Rome. Recal to mind, moreover, how I have overturned before your eyes the enemies of God’s holy church, against whom you combated in very small numbers. Hasten then this day to accomplish my orders ; and merit still more

perfectly my succour, in virtue of the grace which has been bestowed on me by the Lord our God.— My beloved sons ! regard me who preaches to you, who admonishes you. If you obey me quickly, my suffrages shall obtain for you a great recompense in this present life, you shall overcome all your enemies, you shall live long, you shall eat of the good things of the earth, and you shall obtain, without doubt, eternal life. If, on the contrary, which we do not anticipate, you delay a single instant, if by any artifice you defer accomplishing our orders, defer to deliver our city of Rome and those who inhabit it, the Holy Apostolic Church of God, confided to me by the Lord, and the pontiff of this church, know that, by the authority of the holy and undivided Trinity, by the grace of the apostolic office, the grace given to me by our Lord Jesus Christ, you shall be, for having despised our exhortation, expelled from the kingdom of Heaven and from life eternal. But, may Jesus Christ, our God and Lord, who, purchasing us with his precious blood, has conducted us to the light of the truth, and has constituted us the preachers and the lights of the world, may Jesus Christ grant you wisdom, and the necessary intelligence and promptness to fly, without the least delay, to the deliverance of this city of Rome, and of its people, to wit, the Holy Church of God to me confided by the Lord, in order that, mercifully dealt with as being faithful, you may obtain from his power by the intervention of my suffrages, first, the favour

to live long happy and victorious upon earth, lastly, in the future world, infinite recompences with his saints and with his elect.—Farewell.”

Such were the gross artifices which, in the eighth century, seduced the people and their rulers. It was thus that the popes obtained from Pepin and from Charlemagne, not sovereign rights but domains, and the exercise of some secondary and delegated powers. They possess neither originals nor copies of the donations of Pepin and of Charlemagne ; but here follows that of Louis le Debonnaire :

(1) “In the name of the Lord God Almighty, Father Son and Holy Ghost, I Louis, august emperor, give, concede, and confirm, by this present covenant, to thee, blessed Peter, prince of the apostles, and, through thee, to thy vicar, Don Pascal, sovereign pontiff and universal pope, and to his successors in perpetuity, all that which you have received from our predecessors, that which you held in your own power and disposition, the city of Rome with its duchy, its liberties, its confines, mountainous territories, sea-coasts, and ports ; all the cities, castles, towns and villages, on the side of Tuscany ; to wit, Porto, Civita-Vecchia, Cere, Bleda, Maturano, Sutri, Nepe, Castello-Gallesi, Horta, Polimartio, Amelia, Todi, Perouse, with the three isles, that is to say, the greater, the less, Pulvenza and the lake, Narni,

See Appendix D.



Otricoli, with all the confines and territories belonging to the above-named cities ; also, on the side of Campania, Segni, Anagni, Ferentino, Alatri, Patrico, Frusinone, and other places of Campania ; also Trivoli ; with all the confines and territories which belong to the said cities ; further, the exarchate of Ravenna, with all the towns, cities, villages, and castles, which the king Don Pepin, of pious memory, and our father, of honorable memory, also the Emperor Charles, have heretofore restored, by written donation, to the blessed Peter the apostle, and to your predecessors ; to wit, the city of Ravenna, the Emilian province, Bobio, Cesena, Forum-popoli, Forli, Faenza, Imola, Bologna, Ferrara, Comacchio, Adria, Gavelo, with all the confines, territories and isles, on the land or in the sea, belonging to the above-mentioned cities ; also, the Pentapolis, that is to say, Rimini, Pesaro, Fano, Sinigaglia, Ancona ; besides, Umana, Jesi, Fossombrone, Montefeltre, Urbino, the territory of Gualdo, Calli, Luceolo, Gubbio, with all the lands and bounds dependent on the said cities ; also, the Sabine territory, as it has been previously conferred in all its integrity by written gift of our father, the Emperor Charles, to the blessed apostle Peter, and conformable to the limits traced between the Sabine territory and Rieti, by the Abbes Itherio and Macenario, Envoys of the said Emperor ; also, in the parts of Tuscany occupied by the Lombards, Felicita,

Orvieto, Bagnorea, Ferento, Viterbo, Marta, Toscana, Porto-Ferrajo, Soana, Rosella ; and the isles of Corsica, Sardinia, and Sicily, in their integrity, with all their maritime territories and dependencies, and the sea-coasts and ports belonging to the above-mentioned cities and isles ; also, in the confines of Campania, Sora, Arci, Aquino, Arpino, Teano, Capua, and the patrimonies belonging to us and in our possession, such as, Benevento, Salerno, Upper and Lower Calabria, and Naples ; and all the other patrimonies known to belong to us, in the parts of the kingdom and empire which God has committed to our care ; which above-mentioned provinces, cities, towns, villages, castles, territories, and patrimonies, we guarantee and confirm to thy church, oh blessed Peter ! and through thee to thy vicar, our spiritual father, Pascal, sovereign pontiff and universal pope, and to his successors to the end of time : in such sort, that in full right they may retain them in possession, sovereignty, and power. In like manner, by our present decree of confirmation, we secure to you the grants which our grandfather, of pious memory, the lord king Pepin, and our father Charles the emperor, have freely and spontaneously made to the blessed apostle Peter ; and, at the same time, the quit rents, pensions and other duties, which were accustomed to be brought into the palace of the king of the Lombards, whether, of the duchy of Spoleto, or of Lombard Tuscany, as is specified in

the abovementioned donations, and which has been agreed on between Pope Adrian of holy memory, and our father Don Charles the emperor, at the time this prince confirmed to the same pontiff the possession of the above-mentioned duchies of Tuscany and Spoleto: in such sort, that each year the above-mentioned quit rents be paid to the church of the blessed Peter the apostle, saving, at all times, our right of sovereignty over said duchies and the homage which they owe to us. Farther, as we have said, we confirm as fully as it is in our power, by our present decree, the concession of the above domains, so that they remain in the possession, power, and principality of you and of your successors, and that neither by us nor by our sons or successors, from any motive or pretence whatever, may your jurisdiction be in any particular abridged, and that nothing be detached from you, nor from your successors, of the above-named possessions; to wit, of said cities, provinces, towns, castles, villages, isles, territories, patrimonies, pensions and quit rents. Far from abridging you in any thing appertaining to them, far from consenting to reductions which any person whatever should attempt, on the contrary, we pledge ourselves that all the possessions herein expressed, to wit, provinces, towns, cities, villages, castles, territories, patrimonies, and isles, quit rents and pensions, shall be by us guaranteed to the blessed Peter the apostle, and to

the pontiffs who shall be seated in his most sacred chair, for ever.

And, in order that these possessions may remain perpetually in his power, and that he may freely use them, enjoy or dispose of them, we reserve to ourselves no right to dispose, decide, withdraw or diminish, aught concerning the said possessions, unless solicited thereto by him who shall be governing this holy church. And, if any man of the above mentioned cities appertaining to your church come to us, desiring to withdraw from your jurisdiction and power, or fearing some iniquitous machination, or flying from punishment of a crime committed, we will in no wise receive but will confine ourselves to interceding for him : besides, this intercession shall be confined to cases where the fault has been venial, otherwise he shall be delivered bound into your power. Let it not be here understood that we speak of those who, having suffered violence or oppression from powerful men, shall come to us, to the end that by our intercession justice may be rendered to them : of these last, the condition is quite different from and opposed to that of the first. And when God, calling to himself the pontiff of this very Holy See, shall withdraw him from this world, let no subject of our kingdom, either Frank or Lombard, nor any other subject to our power elsewhere, presume to oppose themselves publicly or secretly to the Romans, or to make an election ; neither permit on



this occasion, in the villages or territories which belong to the church of the blessed Peter, any enterprize to be undertaken or damage committed ; but, that the Romans may have the perfect liberty of rendering to their pontiff the honors of sepulture, and canonically to consecrate, without ambiguity or contradiction to him who, by divine inspiration, by the intercession of the blessed Peter, they shall have, unanimously, in full concord, and without fraud, elected to the pontifical dignity. And, when he shall have been consecrated, let legates be sent to us and to our successors, kings of the French, which legates shall preserve betwixt us amity, peace and charity, as was accustomed to be done in the time of Don Charles our great grandfather, of Pepin our grandfather, or that of our father the emperor Charles. And, in order that the present act be regarded as inviolable by all the faithful of the holy church of God, in order that it may be preserved and established through future generations, and ages to come, we have fortified it with the signature of our proper hand, and that of the venerable bishops, abbots and nobles of our kingdom, under the faith of our oaths and subscriptions ; and we have sent it to Don Pascal, pope, by the legate of the holy Roman Church, Theodore the Remembrancer.

“ I Louis, Emperor by the mercy of God have subscribed.

“ And his three sons, and ten bishops, eight abbots, fifteen earls, a librarian, a novice, and a porter.”

Muratori <sup>(1)</sup> compares this donation to that of Constantine, which had been for a long time so revered, that those would have been accused of heresy who should have declared it false, while, in the present day, there is not a single man of learning even at Rome, who would venture to support its authenticity. The first grounds of Muratori, for the rejection of the Gift of Louis-le-Debonnaire, are derived from the number and importance of the variations which the different copies of this pretended diploma present. We may be convinced of it, in comparing one with the other, those which have been published by Raphael Volutteran and Baronius. It is to be observed also, that the court of Rome has never been able or willing to produce but the one copy ; to wit, that which is found contained in a manuscript dated 1192, two hundred and seventy-five years after the date ascribed to this donation. Anastasius the Librarian, says nothing of this act ; Anastasius, who registered with so much care all the deeds of this kind, all the privileges obtained by the Popes, whose history he writes. This is the argument of Muratori.— In the third place he points out, that Louis in this charter bestows Sicily and Calabria which he never possessed, and which belonged to the Greek Empe-

(1) *Piena Esposizione de 'diritti imperiali*, c. 4. p. 42. 49.

rors. The same remark he applies to Corsica and Sardinia, isles that the French of the ninth century did not hold in their power, and which besides were never regarded in the succeeding centuries as the domains of the church. Let us add, that this diploma gives to the Romans the right of electing and consecrating a new pope, without awaiting the consent of the emperor; a disposition opposed to the custom observed since the year 817. Finally the emperors Otho I. and Henry I. in confirming the gifts of Pepin and Charlemagne, say nothing of that of Louis: and the most ancient author who mentions it is Leo of Ostia, who died at the beginning of the twelfth century. All those considerations have determined the editors of the *Compilation of Documents for the History of France* to reject this deed as apocryphal<sup>(1)</sup>; they have not deigned to admit it into their vast collection. Father Pagi had formed the same opinion of it: this piece, says he, is fabricated like that which bears the name of Constantine.<sup>(2)</sup>

Behold, nevertheless, upon what titles reposed the temporal power of the popes, and their pretensions to universal monarchy. But of all the impostures which they have propagated in the course of the

(1) *Recueil des Historiens de France*, tome 6, p. 509.

(2) *Donatio quæ a Gratiano dicitur facta ecclesiæ Romanæ a Ludivoco Pio, non minus commentitia quam quæ Constantino Magno affingitur.*—*Crit. Baron.* ad. an. 817. p. 7.

middle age, none has profited them like the collection of the False Decretals.

“ From the time of Charlemagne, says Balnuze, “ were inserted in the collections, certain letters “ which were attributed to the most ancient bishops “ of Rome, but which in truth Riculph, archbishop “ of Mayence, had obtained from a Spanish merchant, and which he first caused to be circulated “ in the churches of Germany, France, and Italy.— “ From this time there have been many contests on “ the authenticity of these letters; the bishops of “ France rejected them as irreconcilable with the “ ancient laws. However, the good fortune of Rome “ prevailed; and the authority of these “ false decretals” was established; they were used as authentic pieces by the greater number of those who “ compiled collections of the canons. Among those “ who refrained from the use of them, the learned “ Antoine Augustine points out to us Raban, at first, “ abbot of Fulde, then archbishop of Mayence after Egerrius, and consequently one of Riculph’s “ successors. But we see these letters of great weight “ in 991, that is, at the time in which a council was “ held at Rheims against Arnoul, archbishop of this “ city.”

The epoch then of the fabrication of these letters is well known, they belong to the end of the eighth century: and here follows the doctrine, then altogether moral, which they have established.



Isidore, who forged them, gives to the bishops of Rome the titles of bishops of the universal church : he attributes to Victor, to Pontian, to Stephen I. writings in which they assume this rank.

According to him, St. Anaclet, and St. Marcellus, exhort the bishop of Antioch to submit to the Roman church the decision of all important and difficult causes, because this church is established for the government of all other churches.

According to him, Sixtus I. Anicetus, Eleutherius, Victor, Zephyrinus, reserved to the Holy See the right of trying bishops ; he makes the bishops of Africa write to pope Damasius, that the decrees of the holy fathers have ascribed to the popes, the decision of all important ecclesiastical causes, and he attributes to Damasius a reply conceived in these words :

“ You know that to assemble a synod otherwise  
 “ than by the authority of the Holy See is to be no  
 “ longer catholic ; a bishop can never be legitimately  
 “ condemned but in a synod legally convened by  
 “ order of the Holy Apostolic See. There never  
 “ were true councils but those which have been fur-  
 “ nished with the authority of the Roman Church.”

Isidore puts the same language into the mouth of St. Marcellus, and of Julius I. He feigns an epistle for Antherius, in which this pope says, that Eusebius has been, by the authority of the successor of St. Peter, transferred from a lesser see to that of Alexandria.

He borrows the names of Sixtus I. Zephyrinus, Fabian, Sixtus II. to establish the appeals to the bishop of Rome. All the bishops, he makes Sixtus II. say, may freely, and whenever they shall be offended, appeal to the Holy See, and have recourse to her as to a mother, to be supported and delivered, as has been at all times practised.

It is by Pelagius I. that Isidore makes it be decreed, that any metropolitan who in three months after his consecration, shall not have demanded the pallium of the pope, shall be deprived of his dignity.

Under the name of Julius I. he declares to the Orientals, that it is not allowable to deviate from the practices of the Roman Church.

A learned Benedictine, D. Constant, makes the following reflections upon the Decretals of Isidore. "It can hardly be told to what extent the falsehoods of Isidore have been injurious to the Church. "They have weakened the nerves of discipline, confounded the rights, corrupted the laws, multiplied troubles and law suits, produced discord, which, to the shame of the clergy, and the scandal of the faithful, has thrown forth, in the course of years, such enormous suckers .... But it is not astonishing that in the time of Isidore they were not prepared against so gross a fraud. The ancient discipline had been already much impaired

“ by an effect of that fatal destiny which awaits  
 “ human things, which wills that the best establish-  
 “ ments should only have an existence more or less  
 “ short. Add to this cause, the public ignorance in  
 “ the eighth century, the imperfection of historical  
 “ knowledge, and the absolute want of wholesome  
 “ criticism. The error, at first concealed, became  
 “ propagated by degrees: and, under the auspices of  
 “ imposing names, it has, during the lethargic sleep  
 “ of our ancestors, established its pernicious  
 “ empire.”

Isidore has, however, found an advocate in a compiler of ecclesiastical laws. “ In the eighth century,  
 “ says the canonist, <sup>(1)</sup> the majesty of the Holy See  
 “ and the sacerdotal jurisdiction were despised in  
 “ Gaul and in Germany, in Spain, and even in Italy :  
 “ in order to support them, a pious believer has ima-  
 “ gined epistles or decretals, which he has embel-  
 “ lished with the names of the most ancient bishops  
 “ of Rome.”

Oh, rare piety! edifying fidelity, to subvert the rules established by respectable councils, to abolish the ancient right of the churches, to alter the priesthood instituted by Jesus Christ, and to dare attach to the most pernicious innovations ancient and revered names! Far from praising or even excusing such falsehoods, the authors of the *Literary History of France* <sup>(2)</sup> call this collection ‘ a work of darkness’

(1) Christ. Lupus.

(2) Tom. 4, p. 28.

which has tended in its consequences, not only to obscure, but even entirely overthrow the knowledge of the canon law.

In less than a century, the authority of the Decretals of Isidore was established in the church. Nicholas I. in 865, wrote to the bishops of France to make them accept them. The French reclaimed the maintenance of their primitive laws, which they ceased not to invoke after the death of Nicholas. Finally, however, the Gallican Church partook with respect to these epistles the general error : a council of Rheims, held at the end of the tenth century, condescends to cite them ; and, since this period they have been inserted, either whole or mutilated, in many collections of canons, for example, in that of Ives, and in the decree of Gratian. From the ninth century, Reginon de Prum and Burchard de Worms, made the same use of them, and occasioned their being accredited in Germany.

However, the only result of the “ False Decretals ” was, to transform the primacy of the bishop of Rome into a universal supremacy, and to attribute to him a sovereign jurisdiction over all the churches of Christendom. The power of the popes over kings remained to be established ; and this undertaking was so little advanced in 1073, that the honour of it was to be fully reserved for Gregory VII. Let us expose, in the first place, the twenty-seven maxims which



bear his name, and which if he have not written, he has at least professed and acted on :

1. The Roman Church is the only church which God has founded.

2. The title of ' Universal' belongs only to the Roman Pontiff.

3. He alone can depose or absolve bishops.

4. His legate presides over all bishops in every council, and can pass against them a sentence of deposition.

5. The pope can depose the absent.

6. Those whom he has excommunicated should not be associated with.

7. He can as circumstances may require, make new laws, erect new churches, transmute a chapter into an abbey, and divide a rich bishoprick, or unite two poor ones.

8. He alone can clothe himself with the attributes of the empire.

9. All princes kiss his feet.

10. His name is the only one to be uttered in the churches.

11. It is the only name in the world.

12. It is lawful for him to depose the emperors.

13. It is lawful for him to transfer the bishops from one see to another.

14. He can, in every church, appoint a clerk.

15. He whom he has appointed may govern

another church, and cannot receive from a simple bishop a higher grade.

16. No council can designate itself 'general' but by command of the pope.

17. No chapter, nor any book, is regarded as canonical without his authority.

18. No person can render his decisions void ; he can annul those of all the world.

19. He can be judged of no man.

20. He forbids any man daring to condemn him who appeals to the Holy Apostolic See.

21. To this See ought to be referred the more important causes of all churches.

22. The Roman Church has never been deceived ; and will never fall into error.

23. Every Roman pontiff canonically ordained becomes holy.

24. It is lawful to accuse, when he permits or when he commands it.

25. He can, without synod, depose or absolve bishops.

26. He is not catholic who is not in unity with the Roman Church.

27. The pope can release the subjects of bad princes from all oaths of fidelity.

The same doctrine is found in the epistles of Gregory VII. epistles long since printed from the original register of them, which existed in the

Vatican, and which is, in the present day, deposited in the archives of the empire. We will cite only the twenty-first of the eighth chapter of these letters. It is addressed to Heriman, bishop of Metz, and in it we read these words :

“ You desire to be fortified against the foolish  
 “ system of those, who pretend, that the king Henry,  
 “ a rebel to the Christian faith, the destroyer of the  
 “ churches of the empire, and an accomplice of he-  
 “ retics, could not be excommunicated by the Holy  
 “ See, and that it has no right to release his subjects  
 “ from the oath of fidelity. But when Jesus Christ  
 “ said to St. Peter, That which thou shalt bind on  
 “ earth shall be bound in heaven, and that which  
 “ thou shalt unbind on earth shall be unbound in  
 “ heaven, were kings excepted, and are they not  
 “ of the number of the sheep which the Son of God  
 “ has confided to the prince of the apostles ? Who  
 “ can suppose himself free from this universal sove-  
 “ reignty, from this power to bind and to loose all  
 “ things on the face of the earth ? The Holy Ro-  
 “ man Church, is she not the mother and sovereign  
 “ of all churches ? Instituted in order to determine  
 “ what it is necessary to believe, and what it is ne-  
 “ cessary to practice, is she not also to judge those  
 “ doctrines and those actions ? is it not to her, as to  
 “ a mother and a queen, that all causes should be  
 “ referred ; and can it be permitted to any person

“ to question the irrefragable authority of her decisions ? ”

“ In support of this system, Gregory VII. cites passages, of which some are drawn from the “ False Decretals.” To these he adds his own reflections. “ How ! says he, a power invented by laymen “ who knew not God, to decline succumbing to the “ dignity which the providence of the Almighty has “ created for his own glory, and which his mercy “ has established over mortals for their happiness ! “ Seated at the right hand of his father, Jesus regards only with contempt the earthly crowns “ which swell the thoughts of the children of this “ world. But Jesus is the chief of spirits, and the “ sacerdotal power is his work. Dukes and kings “ derive their origin from some barbarians, whom “ pride, rapine and perfidy, whom murder, all the “ vices, all the crimes, aided by the devil, the prince “ of this world, have elevated over their equals “ and invested with a blind power. It was to establish this earthly power that the devil tempted “ Jesus Christ, and shewed him all the kingdoms of “ the world, saying to him, I will give thee all, if “ you fall down at my feet to worship me. The “ priests, who can doubt it ? are the fathers and the “ masters of the faithful, of princes and kings. “ Does a son pretend to reign over his father, a disciple over his master ? Far from falling into so “ lamentable a madness, the emperor Constantine,



“in the Council of Nice, ranked only after the  
 “bishops; he called them gods, and acknowledged  
 “that he was dependent on their authority. Behold  
 “after what institutions, after what oracles,<sup>(1)</sup> the  
 “most of the pontiffs have excommunicated, some  
 “kings, others emperors. Zachary deposed one  
 “king of France, less for the crimes of this king,  
 “than for his incapacity: he replaced him with  
 “Pepin, and released the French from their ancient  
 “oath.

“Recollect that a simple exorcist, when invested,  
 “as a spiritual emperor, with the right to expel  
 “demons, receives a power more ample than any  
 “of the laics can exercise. Kings are the subjects  
 “of demons, and demons are the slaves of exorcists.  
 “Therefore exorcists, masters over devils, are mas-  
 “ters also, and much more abundantly, over the  
 “subjects and members of unclean spirits;<sup>(2)</sup> and if  
 “such be the pre-eminence of an exorcist over kings,  
 “what must that be of a priest or a bishop; that,  
 “finally, of a sovereign and universal pontiff? Who in

(1) *Plerique pontificum, alii reges, alii imperatores excommunicaverunt.*—We have deemed it a duty to cite particularly this text, which seems to hold forth, as one of the common functions of the sovereign pontiff, the excommunication of emperors and kings.

(2) *Quanto igitur magis super eos qui dæmonibus subjecti et membra sunt dæmonum? Si rego regibus tantum præeminent exorcistæ, quanto amplius sacerdotes?*

“ fine can, with the slightest instruction, call in question the inferiority and dependence of kings ? <sup>(1)</sup>

“ Remember also that few kings escape hell, and that among those who are saved by a rare exertion of the divine mercy, are less honored by the Church than the saints of a vulgar condition. What emperor, what prince, has worked miracles ? which of them can be compared, I will not say to the apostles and martyrs, but to the blessed of an inferior order ; for example, to a St. Benedict, a St. Martin, ? and what king in fine is worth a St. Anthony ?”

The royal dignity, so grossly outraged by Gregory VII. has been avenged by Bossuet. “ It is to do, says this writer, “ an atrocious wrong to the royal dignity, to assert its establishment by the instigation of the devil, by a blind passion, an insupportable presumption to excel one’s equals. Certainly, right reason and not pride, God not the devil, has instituted among men this subordination so advantageous to society ; one must be of an inconceivable ignorance in the history of antiquity, to attribute to ambition and pride the origin of legitimate empires. Justin, the historian, wishing to write the history of mankind, could not commence

(1) *Quis vel tenuiter sciolus sacerdotes dubitet regibus anteferri ?*

“ it better than in these words : At the beginning  
 “ of all things, when men separated themselves into  
 “ peoples and nations, the sovereign power belonged  
 “ to kings. The historians of all nations ascribe the  
 “ same origin to the royal power, and holy Scrip-  
 “ ture does not attribute any other to it.”

Bossuet who condescends to refute in detail, all the maxims, all the arguments, of Gregory VII. traces for us the outline of the circumstances which favored so monstrous a doctrine. “ Gregory VII. says he, sought  
 “ in every way to prop himself by human support,  
 “ in order to maintain the novel power which he flat-  
 “ tered himself with being enabled to exercise over  
 “ all temporal things ; and he made great exertions  
 “ in order to render the Holy See the master and  
 “ proprietor of all the kingdoms of the world.

“ After the decline of the family of Charlemagne,  
 “ all the kings of the West had but a weak and tot-  
 “ tering authority. The power of the great, who by  
 “ degrees possessed themselves of all, almost equal-  
 “ ed that of kings ; and among them the bishops, tak-  
 “ ing advantage of the respect which religion inspired,  
 “ attracted to themselves all the principal offices of  
 “ the State. Kingdoms thus finding themselves  
 “ separated into various ecclesiastical and secular  
 “ seignories, which assumed most of the rights and  
 “ the principal prerogatives of royalty, the royal  
 “ dignity lost much of its ancient majesty. The

“ kings exercised no more, so to speak, than a bor-  
 “ rowed and dependent power : their weakness was  
 “ such, that they fought sometimes with equal forces  
 “ against their subjects and vassals. During this  
 “ species of almost universal anarchy, wars, mur-  
 “ ders, and pillage, alone were spoken of. The roy-  
 “ al authority, which from the ninth century had re-  
 “ ceived its first wounds, fell into such contempt in  
 “ the two following centuries, that there was scarcely  
 “ a monarch in the time of Gregory VII. who sus-  
 “ tained with any vigour the majesty of the throne  
 “ and preserved its authority : for, though the  
 “ Othos seemed still to make some use of their cou-  
 “ rage and their power to maintain their rights and  
 “ those of the monarchy, in Germany and Italy,  
 “ nevertheless, all was precipitating, as by its own  
 “ weight, towards its total ruin ; and, under the  
 “ reign of Henry IV. the cities and provinces re-  
 “ volted with unbridled license. France, heretofore  
 “ so illustrious, and which had possessed almost  
 “ universal monarchy, was not exempt from the  
 “ evils common to the other kingdoms ; although,  
 “ by her constitution and the succession of her  
 “ kings, she made an appearance of some remains  
 “ of strength. But the family of the Capets was  
 “ not yet sufficiently firm on the throne, and Philip  
 “ I. the fourth of this line, had neither the courage  
 “ nor the genius necessary to sustain the weight of  
 “ his crown. In England, William the Conqueror

“ had just seized on the kingdom ; and although he  
 “ had considerable forces which secured to him the  
 “ possession of the throne, he had not yet suffi-  
 “ ciently confirmed his power. Spain was reduced  
 “ to the last extremity, on the one side, oppressed  
 “ by the Saracens, on the other, separated into  
 “ several petty kingdoms : the other states of Eu-  
 “ rope, variously disturbed, found themselves in an  
 “ unsettled situation.

“ It was in such circumstances that Gregory VII.  
 “ formerly monk of the order of Cluni, ascended the  
 “ Holy See, after having passed through all the  
 “ inferior dignities. This pope, of a sanguine and  
 “ elevated mind, of irreproachable manners, and of  
 “ an unblemished reputation, zealous for the liberty  
 “ and the power of the church, was rather inclined  
 “ to go beyond that which was acknowledged to  
 “ belong to his see, than to forego the smallest of  
 “ his rights. Fully convinced that he would render  
 “ an important service to religion, if he succeeded in  
 “ subjecting to the Holy See, which is the centre of  
 “ it, all the kingdoms of the world, even in respect  
 “ to temporals, he ascribed to himself the right of  
 “ establishing or deposing kings, as a consequent and  
 “ an accessory of the power of the keys ; and pro-  
 “ ceeding continually forward, there was no way or  
 “ means which he did not employ to attack each  
 “ individual sovereign, in order to render them all



“ his vassals, or as it was then expressed, in order to  
 “ render them his liege men.”

There prevail so much absurdity and exaggeration in the ideas of Gregory VII. that, in the present day, one would be induced to think such a madness could never have become contagious. However, this system became, from that period, that of the Roman Court, and has never ceased so to be, as we can convince ourselves by those various documents which we are about to analyze or transcribe. Circumstances have sometimes rendered concealment requisite, exacted concessions, or suggested disguise : but, if we except Adrian IV. or Clement XIV. no pope whatever has expressly retracted the maxims of Hildebrand ; and the Court of Rome has professed, proclaimed, and practiced them, at all times that she had occasion and opportunity so to do.

In the twelfth century, we will only dwell on the decree of Gratian, an enormous code, in which the most insolent pretensions of the Court of Rome are erected into laws. Mark the idea which Fleury gives us of Gratian and of his book : “ He was a Benedictine of the monastery of St. Felix of Bologna, “ a native of Clusium or Chiusi in Tuscany, who, “ in imitation of Bouchard de Vormes, of Ives of Chartres, and of many other compilers, made a new “ collection of canons, which he entitled ‘ *the Concord of the discordant canons*,’ because he relates

“ in it many authorities which appear contradictory,  
 “ and which he endeavours to reconcile. The sub-  
 “ jects of this collection are, the canons of the an-  
 “ cient and modern councils, the decretals of the  
 “ popes, among others the false decretals of Isidore’s  
 “ compilation ; many extracts from the fathers, as,  
 “ from St. Ambrose, St. Jerome, St. Augustine, St.  
 “ Gregory, St. Isidore of Seville, Bede ; but, under  
 “ the names of the fathers, he often cites works  
 “ falsely attributed to them, as criticism has since  
 “ shewn. He reports laws also, drawn from out  
 “ the code and digest of the capitularies of our  
 “ kings.

“ Gratian has divided his collection into three  
 “ parts. The first comprises one hundred and one  
 “ distinctions, and he treats in it, of the law in ge-  
 “ neral, and of its parts or divisions ; subsequently  
 “ he treats of the ministers of the church, from the  
 “ pope down to the lowest clerks. The second  
 “ part is divided into thirty-six heads or subjects,  
 “ which are so many species or particular cases,  
 “ upon each of which he propounds many questions ;  
 “ in the thirty-third he inserts, by way of digression,  
 “ seven questions upon penitence. The third divi-  
 “ sion is entitled, ‘ Of Consecration,’ and treats of  
 “ the eucharist, baptism, and confirmation, and  
 “ about some ceremonies. Throughout the work,  
 “ the author treats occasionally of some questions in  
 “ theology. It is said that Pope Eugenius III. ap-

“ proved it, and ordered it to be publicly taught at  
 “ Bologna. What is certain is, that since this period  
 “ scarcely any other canonical law is known than  
 “ that which is comprised in this book, and it is  
 “ named simply ‘The Decree.’

“ It favors throughout the new pretensions of the  
 “ Court of Rome, founded upon the ‘False Decre-  
 “ tals,’ in favor of which it fails not to cite the  
 “ letter of Pope Nicholas I. of which I have spoken  
 “ in its place. After having reported many author-  
 “ ities of the popes themselves, who considered them-  
 “ selves bound to preserve the decrees and canons  
 “ of their predecessors, he adds: With respect to  
 “ this, it may be replied: The holy Roman Church  
 “ gives authority to the canons; but she is not  
 “ herself bound by the canons, nor subject to them.  
 “ As Jesus Christ, who made the law, has fulfilled  
 “ it to sanctify it in himself; and afterwards, to shew  
 “ that he was its master, dispensed with it, and freed  
 “ his apostles from it; so the pontiffs of the chief see  
 “ respect the canons made by them, or by others  
 “ with their authority, and observe them with hu-  
 “ mility, in order that they may be observed by  
 “ others; yet sometimes they shew, whether by their  
 “ orders, or their decisions, or their conduct, that  
 “ they are the masters and authors of these decrees.  
 “ ....So says Gratian, but of his own head, and with-  
 “ out alleging any authority for this doctrine, before  
 “ unknown; yet the succeeding centuries have at

“ all times embraced it upon his word : all that is to  
 “ be found in his decree has passed for the purest  
 “ discipline of the church, and elsewhere they did  
 “ not seek during the three succeeding centuries. .

“ The decree of Gratian, says another writer, com-  
 “ pleted the extension and confirmation of the autho-  
 “ rity of the ‘ False Decretals,’ which present them-  
 “ selves in it at every page : for, during a very long  
 “ period, they drew their knowledge of the canons  
 “ only from this collection. Gratian had even im-  
 “ proved upon the ‘ False Decretals,’ in alledging  
 “ that the pope was not subject to the canons.—  
 “ Thus a confused idea was formed in the church  
 “ that the power of the pope was without limitation.  
 “ The evils which the decree of Gratian produced  
 “ make the importance of criticism appear most evi-  
 “ dent, which the most part of the schoolmen des-  
 “ pised as a vain and a frivolous amusement. Idle-  
 “ ness dissuaded from a long and laborious study.  
 “ But this study is requisite to assure us of the truth  
 “ of facts ; it would never be discovered by argu-  
 “ ment alone ; and yet on these facts often depends  
 “ all the conduct of life. We have fallen into terri-  
 “ ble inconveniences, by lending our faith to false  
 “ documents. Besides we become accustomed to  
 “ receive without discernment every description of  
 “ history ; and from thence have proceeded so ma-  
 “ ny fabulous legends, so many false miracles, so

“ many ridiculous visions and pretended revelations.”

Bossuet passes the same judgment on the rhapsody of Gratian : “ This decree, says he, is a compilation of the canons of councils, decretals of popes, and extracts from the holy Fathers. It is unnecessary to warn the learned of the multitude of errors in this collection, in which neither discernment nor criticism are perceptible. Gratian has been the first, who dared to put to the head of a decree, the following title : “ That the sovereign pontiff absolves subjects from the oath of fidelity.” As no author has favoured so highly as he has done the extravagant pretensions of the Court of Rome, the popes, on their part, have passed on him splendid eulogiums. It is by this he has obtained so much authority amongst the canonists and theologians who have succeeded him.”

The thirteenth century commences with the pontificate of Innocent III. and ends with that of Boniface VIII. these two names suffice to attest the perseverance of the court of Rome in its ambitious pretensions.

We have sufficiently shewn, in our first volume, the actions and the maxims of Innocent III : he has openly declared himself the king of kings, the universal monarch of christendom. One of his successors, Gregory IX. published an ecclesiastical code, a new body of decretals, which completed the subjec-



tion of the churches, to the disturbance of States, and the corruption of the clergy.

“ The rules of the new law, says Richard Simon, which commenced principally under pope Nicholas I. who lived about the middle of the ninth century, brought on a great change in ecclesiastical affairs. Pope Gregory VII. who lived in the latter part of the eleventh century, extended the precepts of this new law beyond all that his predecessors had done ; and very far from the popes who came after him relaxing from these novelties, on the contrary, they augmented them : so that the law, which has been introduced into the church since then, deserves rather to be termed ‘ the popes law,’ than the ‘ canonical,’ because, in the establishment of this new law, so much regard has not been paid to the ancient rules of the church, as to the convenience of the popes and the court of Rome ; which has caused in the course of time great disorders : princes were obliged to make laws and declarations to oppose these abuses ; but it has not been in their power wholly to remove them.

“ The compilation that Gratian the Monk made of the canons of the councils, the decretal epistles of the popes, and of many sentences of the fathers, with which he composed a body of canon law, contributed much to sanction the new law ; for this collection of canons was taught publicly in

“ the schools, and they even made use of it in making their decisions. The fathers and the councils were not read at the fountain head, but only in the ‘ Decree of Gratian’ ; and people were not sufficiently enlightened in those days to perceive, that a great number of Gratian’s citations were false, and that he did not always follow the rules of the ancient law, having inserted in his collection many suppositious pieces : besides that, he gives to the decretals of the popes the same authority as to general councils, and he even sometimes wrested the words of the ancient canons, in order to accommodate them to the law which had been sanctioned by the popes of his time. But the collection of the decretal epistles of the Popes, which was made by order of Gregory IX. produced a much greater change in the ecclesiastical affairs : nevertheless they were publicly read in the schools of France, as well as the collection of Gratian.— These decretals have been the origin of an infinity of law suits ; and, though they were received in the Western Church, and publicly taught by the professors of canon law, they were obliged to reject them in many instances, and to have recourse to the ancient canons. The compilation of Gratian was then named the ‘ ancient law,’ though it contained many novelties ; but, in comparison with the books of the decretals, there was reason so to call it. The long and grievous disputes that

“ the kings of France had with the popes, were the  
 “ cause of the French despising the collection of  
 “ the decretals, and that at the present day they  
 “ hold them in but little estimation. They believe  
 “ that this work was compiled only to establish the  
 “ interests of the pope, and to overthrow altogether  
 “ the ancient law. They have yet before their eyes  
 “ all the satires which have been composed against  
 “ the decretals, and this proverb which was formerly  
 “ so common :—

“ Depuis que le ‘ decret’ prit *ales*  
 “ Et gendarmes portèrent malles,  
 “ Moines allerent a cheval,  
 “ Jamais le monde n’eut que mal.”

The universal power of the popes was so decisively established in these codes, that the distribution of crowns seemed to have become, in the thirteenth century, one of their usual functions. They exerted this right with so perfect a freedom, that they offered, nay even gave the same kingdom to many princes at the same moment. It was thus that Innocent IV. and Alexander IV. acted, who invited to the throne of the Two Sicilies a son of the king of England at the same time with a French prince. Innocent IV. negotiated this affair with Saint Louis, and

addressed to the king of England also the following bull :

(1) “ Innocent, bishop, servant of the servants of God, to our very dear son in Christ Jesus, the illustrious king of England, health and apostolic benediction. Our hearty and especial affection for the family of the kings of England, inspiring us with the desire to elevate it over all the kings of the world, we have sent into this country our dear son and apostolic notary, master Albert, who is filled with zeal for the glory and interests of this same family, and who must enrich and advance it in conferring upon it the kingdom of Sicily ; which kingdom surpasses in opulence and in riches the other kingdoms of the world, and which has just devolved to the Roman Church ; and, although we have treated respecting this kingdom in divers places, yet, as your only nephew still remained there, and that it was not expedient that you should appear to thirst after your own blood, and to sigh for the spoils of your neighbours, you have deferred even to the present moment to receive this honour and advantage. But now this nephew existing no more, you have desired to have a son in common with the apostolic see, and you have devoted for ever to the service of the said see our very dear son in Christ, Edmond,

(1) See Appendix E.

who was begotten of you, and who becomes king of Sicily ; causing him to receive the said kingdom from the hands of our said legate, to whom we have given for this purpose full powers ; all for the honor of God and the Church, and the tranquillity and peace of all Christian people. On which account we render to your Highness all manner of thanks, and we are disposed and ready to do all in our power pleasing to your heart. Having then reflected, by the advice of our brethren, that it was suitable the collation of said kingdom, made to the said king, by the aforesaid legate, should be confirmed by us, we, of our ample power supplying every defect which may be found in said act, from whatever cause it may be, pray and exhort your royal magnificence to consider, if pleasing thereto, that, all the sovereigns seeking from us and expecting of us a decision respecting this kingdom, the affair from its very nature, exacts and requires a very great celerity ; that delays in such a matter, are accustomed to draw after them the most serious inconveniences ; that in consequence it imports much, that pursuing this enterprize with a vigorous arm, you equip abundantly the said king, and that he be suffered to want neither soldiers, nor money, nor any of those things which may be necessary for him ; that he be provided with them fully, quickly, powerfully ; in order that, when he shall be received into this kingdom, in which he is desired like the



morning star, he may arrive with the magnificence suitable to so great a prince : holding for certain, this affair being of God, not of man, all will succeed happily for the said king, and that, on our part, we shall take care to support him richly in men, and in all things and ways whatsoever ; disposed as we are to pledge ourselves, us and the Roman Church, for whatever may be useful to the success of this enterprize. Done at Assasis, the ides of May, year 11 of our pontificate (1254).”

This piece which we have just read we have taken from the archives of the castle of St. Angelo. As to the monuments of the contests between Philip-le-Bel, and Boniface VIII. they have been so often presented to the public eye, that we shall here confine ourselves to simple extracts from the bulls ‘ Clericis laicos, Ausculta fili, Unam sanctam.’

(1) “ By the advice of our brother, and of our apostolic authority, we declare, that all prelates, all ecclesiastical persons, religious persons or seculars, of whatever order, condition, or state, they be, who, without the authority of the Holy See, shall pay, promise, or consent to pay, to laics, under pretence of relief, loan, supply, gift or subsidy, or under any other title or pretext, of the collects or taxes, a tenth,

(1) See Appendix F.

a twentieth, a hundreth, of their revenues or possessions, or those of the churches, or any other quantity, portion, or quota, of the estimation or value of the said possessions or revenues :

“ That, likewise, all emperors, kings or princes, dukes, counts or barons, magistrates, captains, officers or governors, under whatever name they may be, whether of cities or other places, wheresoever situated on the habitable globe :

“ That all other persons, whatever may be their rank, condition or position, who shall have imposed, exacted, or received such tributes, or who shall have stayed, seized, or occupied effects deposited in the churches, or in the houses of ecclesiastics, or who shall have ordered to be so stayed, seized, or occupied, or who shall have received the said effects when so stayed, seized, or occupied :

“ That all those also who knowingly shall have aided, advised, and publicly or privately favored the contributions or exactions herein mentioned, “shall have incurred, by the act itself, the sentence of excommunication.”

(1) “ Boniface, bishop, servant of the servants of God, to our very dear son in Jesus Christ, the illustrious king of the French, greeting and apostolic benediction. Hear, my very dear son, the precepts of your father, and incline the ear of your heart to the

(1) See Appendix G.

lessons of the master who holds the place of Him who alone is master and lord. Recollect with teachableness the advices of the church your holy and tender mother, and so act that, in fulfilling them efficaciously, you may return with a contrite and respectful heart to that God, from whom it is known that you have strayed, either from weakness or from the evil counsels which have depraved you; conform yourself devoutly to his will and to our good pleasure.

“For God, in imposing on us the yoke of apostolic servitude, has appointed us, in despite of the insufficiency of our merits, over the kings and over the kingdoms, to pluck up, to destroy, to disperse, to build up and to plant, in his name and under his doctrine, to strengthen that which is weak, to cure that which is sick, to connect that which is broken, to lead back that which is gone astray, to pour oil and wine on the wounded. Consequently, my dear son, let no power persuade you that you have no superior, and that you are not under the authority of the head of the ecclesiastical hierarchy. For, to hold such opinions is to be foolish; to maintain them obstinately is to shew one’s-self unfaithful, and to wander from the flock of the good shepherd.—Now, though our solicitude extends over all kings, especially over those princes who fight for the christian faith, and that we are occupied for the salvation of every one of them, yet ought we to fulfil our duties towards you with so much the more exactitude,

charity and attention, as we feel towards your person the more lively paternal sentiments, and that, among our different states, we have always distinguished by a more pure and abundant favour, not only you, but also your ancestors, your house, and your kingdom.... ....

“ You collect without moderation, and consume, with still less measure, the revenues and produce of the bishopricks which become vacant in your kingdom. From this pretended right, which you call ‘regal’, it results, that the possessions, of which kings were originally but the depositories and the preservers, are by you abusively devoured.... ....

“ You know how often we have remonstrated before God and before you against this abuse, and against all similar abuses : our voice has made itself be heard ; it has denounced crimes, disclosed prevarications ; in the hope of inspiring you with a salutary repentance, we have cried with such persevering efforts that our voice is waxed hoarse from it ; but, deaf as the adder, you have closed the ear to our useful warnings, and you have repelled the remedies which we presented to you in order to cure you.

“ That there are two swords ; to wit, the spiritual and the temporal, the evangelic words teach us.— In fact, when the apostles said, ‘ Behold two swords, here they are,’ here, that is to say, in the Church ; the Lord Jesus replies not ‘ it is too much’ but that it is ‘ enough.’ Undoubtedly, he who pretends that

the temporal sword is not in the power of Peter, pays too little attention to this word of the Lord.— ‘Put up your sword into the scabbard.’ Both the one and the other are then in the power of the Church, the material sword as well as the spiritual one; this to be used by the church herself, that to be employed for her benefit. The spiritual is in the hand of the priest. It is necessary the one sword be under the other; that the temporal authority be subordinate to the spiritual power. ....

“We declare, assert, decide and pronounce, as a point necessary to salvation, that every human creature is subject to the Roman Pontiff.”

We cannot be surprised that a pope, of whom such were the maxims and pretensions, allowed himself to write to Philip-le-Bel a note thus couched :

(1) “Boniface, bishop, servant of the servants of God, to Philip, king of the French : Fear God, and do his commandments. We wish that thou shouldst know that thou art subject to us in spiritual and in temporal matters. The collation to prebends and to benefices does not concern thee in anywise; and, if thou art sometimes charged to keep those which become vacant, thou shouldst reserve the fruits of them for the successors of the deceased titulars; and if thou hast conferred any of them, we

(1) See Appendix H.



declare the collation to them null, and we annul whatever may proceed from thence. We declare those who think otherwise heretics. Done at our palace of the Lateran, the day of the Nones of December—year seven of our pontificate.”

Among the monuments of the fourteenth century which continue the tradition of the maxims of Gregory VII. and of Boniface VIII. we shall select a bull, in which John XXII. declares that his will is, that Italy, Germany and France, be henceforward three distinct states, and independent one of the other. This piece is now printed for the first time.

(1) “ The uncertainty of human judgments upon future events being so great, that what presents itself as a probable and reasonable conjecture, supported even by the most plausible considerations, happens sometimes to be recognized not only as useless but even dangerous ; there is often wisdom in changing for new purposes, and wiser determinations, the designs which had been fixed on. This the history of the imperial institution has proved, an institution which, as long experience has demonstrated to us, has very badly answered the idea conceived of it. In the main, the authority of books

(1) See Appendix. I.

attests that the empire was vicious in its origin : it arose from the ambition of a conqueror, and was established by violence and audacious enterprizes. It is apparent, it is everywhere notorious, that many, very many, emperors have lived catholically, that they have been by their words, and by their examples, useful to their subjects, and that they have becomingly protected, favored, and defended the church their mother ; some however, impelled by the motion of a perverse presumption, declining from such filial piety, and soon becoming unnatural children, have abused their power and their functions, in order to persecute their own mother the holy church, and to offer violence to the dignity of divine worship and public tranquillity. In fine, open the books, they are full of the bitterest recollections : we there see how Domitian, the brother of Titus, cruelly tormented the church and the faithful disciples of Christ, even to banishing into the island of Patmos, the blessed apostle John ; how Julian the apostate caused to this same church sorrow and tribulation, he who wished to exterminate the orthodox, he who, by a sacrilegious vow, promised to persecute the church openly if he triumphed over the Romans and Parthians ; what unworthy treatment had the church still to endure from the emperor Valerius, who, in each province, vexed and condemned to the greatest tortures the faithful and catholic people whose temples he destroyed ; what crimes com-

mitted by Pelagius, another persecutor of the Christians, who having arrived in Italy and reached even to Rome, exiled more than thirty-four bishops, closed their churches, and tormented the people with numerous punishments; what cruel acts have signalized the tyranny of the emperor Anastasius, the author of so many murders, so many massacres, the ferocious persecutor of the priests and the clerks, the hardened despiser of their persons and of their salutary warnings, an obstinate sinner whom nothing could lead into the way of salvation; finally, what an odious memory has Leo Augustus left behind, who destroyed the sacred edifices, and whom our predecessor Gregory, a Syrian by nation, deposed, and spoiled of his dignities. What shall we say of Trajan, of Nero, of Heliogabalus? The books speak sufficiently of them, and renew by their public recitals the remembrance of so many ancient enormities. The examples of injurious and bitter treatment, which the emperors have caused the Church and the faithful servants of Christ to endure, are without number; it is difficult to sum up the various persecutions of which the Christians have been the victims. And, to end in a few words those details, we may say, generally speaking, that before Constantine few of the Roman princes favored the church, and that many, on the contrary, have loaded it with outrages. However forcible the instruction may be which we derive from books, neighbouring

examples and recent experiences present us lessons still more impressive. We know, and the memory of it is not very distant, we know, that the emperor Otho of Saxony, after having obtained from the Church the confirmation of his election, made in prejudice of his competitor Philip duke of Swabia, after many services rendered to him by this same church, became suddenly ungrateful, lost the recollection of so many favors, turned his back on his benefactress, insulted her in a thousand ways, and attempted to invade, with the most rash presumption, the kingdom of France: he suffered the punishment due to his crime, he perished in war, and in no place was his body found, as we learn from the history of pope Innocent, of happy memory, our predecessor; it is a notorious fact, though it do not approach very nearly to our time. It is proper also that posterity attentively recal the culpable efforts of the ungrateful Frederick II. who, hardly out of the tender years of infancy, hardly weaned from the milk of his mother, the Holy Church, brought up by her cares, kept for a long time with paternal solicitude, by many cardinals, governed by the providence of the Holy See, snatched from dangers and tribulations, he obtained, with the assistance and by the exertions of this same church, the royal kingdom of Sicily, acquired a pre-eminent authority, and thus succeeded to the empire; but who afterwards, given up to a reprobate judgment, and profoundly perverted, attacked the

church, and afflicted her with all sorts of outrages, oppressing the cardinals, arresting, with the most sacrilegious audacity, the prelates called to a general council, and carrying his tyranny to such excess, that Innocent IV. our predecessor, of happy memory, saw himself compelled to fly far from the face of his persecutor, to abandon the See of St. Peter, to quit Italy, and transport himself to Lyons with his brethren. It was there that Innocent, imposing upon Frederick the punishment due to so many wicked attempts, deposed him, despoiled him of the titles of king and emperor, stripped him of all honor, of all dignity, even as justice demanded. We must not forget, on the contrary we should consider with a special attention, the recent enterprize of the emperor Henry, who, in these latter times, troubled all Italy, overleaped the bounds of duty, and, suffering himself to be borne away by the wind of a rash presumption, despising the advice, the prohibitions of Clement V. our predecessor, of happy memory, had conceived the project of invading, by force, the kingdom of Sicily, upon which the Church, our holy mother, has a direct right of ownership, and, had already approached the confines of this kingdom at the head of a numerous army in order to accomplish, by impious endeavours, his most criminal resolution, despite the reprimands of our brethren, who, sent by the Holy See for his coronation, represented to him, that to invade Sicily



was to lack of that faith he owed to the church, and to forget with too much knavery the oaths of fidelity she had received from him.

“ Thus, since the object of the establishment and preservation of the Empire has ceased ; since the occasion for this dignity has disappeared ; since, on the contrary, events prove that this institution produces effects the reverse of those hoped for from it : We, to whom by a spiritual prerogative, by a pre-eminent authority it belongs, to pluck up, to destroy, to plant, to erect, to divide and to unite ; We, by the omnipotence of the Eternal Father and of his apostles Peter and Paul, by the entire confidence and hope which we place in them, furnished with their suffrages, after having deliberated with our brethren, and having determined by the most mature considerations ; seeing the reasonable motives above exposed, with many others, which we insert not in these presents in order to avoid prolixity, the mother of forgetfulness, we wholly cut off from the empire and from the kingdom of Germany the province of Italy, we release it from all submission to the said empire and kingdom, we separate it from its community and jurisdiction, and we establish between these countries a necessary division ; and, in the plenitude of our power, we deliver Italy ; ordering, that it never at any time be joined and united to the empire, nor exist with it as one body ; declaring, that the principal motive of our present decree is, the enor-

mous extent of these provinces leading to much confusion, preventing the effect of the jurisdiction and of the government of one and the same sovereign, in such way that care is neglected to be taken of them, and that the spirit of the government, being divided among so many objects, has the less force in each part of so vast an empire ; we reserve to ourselves to provide more particularly, with the aid of the providence of the Eternal King, after the counsel of our brethren, and by solemn deliberation, for the regulation and government of the said provinces ; declaring besides, that the said kingdom of Germany is distinct from the kingdom of France, that it is separated from it by limits fixed and notorious, which shall be by us, with the advice of our brethren, determined in the most precise manner. In which we follow the example which Jesus Christ has given us, when, because of the crimes of kings, he divided the kingdoms. It is thus also prudence counsels, which separates evils, lest united vices should produce more mighty offences. Experience, finally, teaches us, that when one has not derived from an establishment the good effects hoped from it, it becomes necessary to have recourse to other remedies."

If we wish to be still further acquainted with the doctrine which the popes of the fourteenth century endeavoured to propagate, we may run over a large

work, entitled “*Deplanctu Ecclesiæ*.”<sup>(1)</sup> composed by a Franciscan attached to John XXII. and named Alvaro Pelagius. This book is a long development of the maxims of Gregory VII. The author maintains in it, that there is upon the earth but one monarch, to wit, the pope; that the pope is appointed to judge every creature; that he possesses at all times and in all places a spiritual and temporal jurisdiction; that one can appeal from the pope only to the pope himself; that the church is armed with two swords; that she is not comprised within the empire, but, that the empire, on the contrary, is comprised in the church, and exists but by her.

Although the disorders of the pontifical court of Avignon, and the schism which was prolonged even to the middle of the fifteenth century, had brought the popes into disrepute and provoked projects of reform; altho’ the councils of Constance and Basle had essayed to establish some of the laws and maxims of the primitive church, the pretensions of the Holy See remained the same, and the Italians generally supposed themselves interested in supporting them: the despotism and the exactions of the Court of Rome seemed to have become the principal business and almost only resource of all Italy. It was no longer fanaticism nor yet ambition, it was policy and the

(1) *Alvari Pelagii de Planctu Ecclesiæ, libri duo.* Ulmæ, Zainer de Rutlingen, 1474. 26 Octo. in fol. 1. ed.—Lugd. 1500, in fol.—Lugd. 1517, in fol.

most sordid interest, which demanded the maintenance of errors, of abuses and of scandals. Such are the reflections suggested by the acts emanating from the sovereign pontiffs of the fifteenth century, especially from the bull which Pius II. addressed to the University of Cologne, and in which he retracts the sound doctrine he had professed at the council of Basle.

We will not transcribe this long bull, which has been so often printed ; but here you have some specimens of it :

(1) “ We were yet in the minor orders, we had not received sacred orders, when, living at Basle in the midst of those who called themselves members of a general council, and representatives of the universal church, we addressed to you a book of dialogues, in which, treating of the authority of the œcumenical council, of the acts of the fathers of Basle, and of their contests with Pope Eugene, are approved or condemned what appeared to us worthy of approbation or censure, supporting or opposing according to the measure of our capacity, but without allowing to ourselves any prevarication, neither hearkening to favour or to hate. We thought we did well, thought we walked in the right path ; we had in view only public utility, and for our guide

(1) See Appendix K.

the love of truth. But, what mortal is not liable to error ! .... And we, we also, have deviated ; we have wandered far from the bosom of our mother, far from the path we ought to have pursued ; we have walked in darkness, we have led others to the precipice ; blind ourselves, we lent ourselves as conductors to those who were blind also, and we have been seen to fall with them into the pit. Seduced, and sinners like St. Paul, we have, through ignorance, persecuted the church of God, and the see of Rome, the first of sees. For which cause, prostrated before the eyes of divine mercy, we pray of it not to remember the sins and the follies of our youth. We blush for our fault ; we repent sensibly for having done evil, spoken evil, and, above all, written evilly : for, we offended much more by our writings than by our actions. But what can we do ? a writing once published takes wing and cannot be recalled. These writings, fallen into many hands, and read by the public, are no longer in our power. Would to God they had never seen the light ! for, if they should descend to future ages, and fall into the hands of the perverse or the imprudent, they may well cause scandal. “ The author, they will say, has finished “ by seating himself in the chair of St. Peter, he has “ fulfilled the functions of the vicar of Jesus Christ— “ Ha ! ha ! behold what this same Eneas wrote, who, “ in the sequel, having obtained the sovereign pontifi-



" cate, has been called Pius II. ; and yet we do not  
 " see that he has changed his opinion. Those who  
 " have elected him, those who have placed him on  
 " the pinnacle of the apostolat, have without doubt  
 " approved his writings." It is much to be feared  
 that this objection may be some day made to our  
 successors, and that the works of Eneas Sylvius,  
 attributed to Pius II. may seem fortified by the au-  
 thority of the very see against which they declaim.  
 Thus we are obliged, my very dear children, to imi-  
 tate the blessed Augustin, who having inserted in  
 his works some erroneous articles, published re-  
 tractions of them. Therefore we say, that as the  
 cranes follow one crane, and the bees follow their  
 queen, so also in the church militant there is one  
 pope, one supreme mediator, one universal arbiter,  
 one vicar of Jesus Christ.....The Evangelists make  
 no mention of two Peters, of many Peters ; the Lord  
 has not established two or many vicars to hold his  
 place as so many equal chiefs ; but has constituted  
 one only as the generalissimo, the pastor of all the  
 flock ; and this sole chief was Simon Peter, to whom  
 were addressed these words : " Thou art Peter, and  
 " upon this rock (petram) I will build my church,  
 " and I will give thee the keys of the kingdom of  
 " heaven, and all that thou shalt bind upon earth  
 " shall be bound in heaven, and all that thou shalt  
 " loose upon earth, shall be loosed in heaven also ;  
 " and, feed my sheep....." No other man save

Simon has derived from a stone this name of Peter : he alone took in his hand the sword, to deliver the Lord God from danger. If you find this doctrine contradicted in our dialogues, or in our epistles, which are numerous, or in our other little pieces, for, we have written much in our youth, reject and despise those vain discourses : follow our lessons of this day, believe the old man rather than the novice, and prefer not the private man to the pontiff. Abandon Eneas ; hearken to Pius. This profane name of Eneas our parents imposed on us the moment of our birth : Pius is the christian name we have taken in our apostolat. Perhaps they will tell you, that this idea of the pontifical supremacy is only come to us with the pontificate, that, in obtaining so high a dignity, we have changed our maxims. It is not so.....

“ At Basle were to be found the deputies of the Parisian school, so renowned and so celebrated ; there also were heard your orators and those of other universities of Germany : all, with unanimous voice, elevated to the heavens the authority of a general council. Now such as the masters are, so are the disciples : it is but usual. There are few Aristotles capable of overthrowing the dogmas which Plato has taught them. The disciple is not above his master, and in fine, we have not been able to go beyond those who instructed us. To prefer the council to Eugenius, was the universal cry ; every-

thing resounded with the name of the council. Here then is the doctrine with which we were imbued when, forming some years after a higher idea of ourself, we said to ourself with the satirical poet : *Shall I always remain an auditor ? shall I not also speak in my turn ?.....* We have seen our error : the flock of Christ is the church : the first pastor was Christ himself ; a good pastor, who sacrificed himself for his sheep. The second pastor was Peter, ordained by the Lord, and invested with all the power necessary to rule well the flock which was confided to him : otherwise Christ, who is the wisdom of the eternal father, and who cannot act but wisely, would have provided badly for the necessities of his church ; which it would be impious to suppose. And, although many churches have been established on the earth, although there be many flocks, many sheepfolds, many pastors, all nevertheless were, and are now in the present day, united under one only pastor, in one only flock, in one only sheepfold : for Christ has only one nuptial bed, one only spouse, one only flock ; therefore one only pastor ; the bishop of Rome is the only head of all bishops, he is the successor of the blessed Peter, the vicar of Jesus Christ. In fact Peter having first occupied the See of Constantinople came to Rome ; and as he wished to quit it to avoid persecution, the Lord forbade him : Peter terminated his life here by a glorious martyrdom, and had for

his successor Clement.....It is then apparent, that there is in the church but one head, one prince. The tranquillity of the public depends on the unity of the sovereign power; a plurality of heads engenders discord. Now Christ, by his will, has bequeathed tranquillity to his church, and with many words has recommended peace to it. Therefore he has given it a government friendly to peace, that is to say, monarchical: he has willed, that the general administration belong to the blessed Peter, and to his successors; he has confided the keys to Peter; he has charged Peter to take care of all the flock. Behold what we think of the authority and power of the Roman pontiff, to whom it is given to convoke and to dissolve general councils. ....The church's body is not without a head; it is the head which distributes through the members force and activity. Such is, our beloved children, our doctrine, that which we believe, that which we profess; that which, arrived at old age, and to the supreme apostolat, we declare to be the sole true one. If we have formerly addressed to you, and to others, writings contrary to this doctrine, we revoke and disavow them as erroneous, and as the fruits of the waywardness of our youthful age.

“ Given at Rome, at St. Peter's, the 6th day previous to the kalends of May, 1463.”

It is to be remarked, that Pius II. in this bull,

contents himself with asserting the superiority of the popes over the councils, and that he avoids considering in his relation the apostolic authority in respect to that of kings. The popes of the sixteenth century were sensible of the propriety of reproducing more clearly the maxims of Gregory VII. and, in spite of the progress of heresies and of knowledge, in spite of the power and the energy of many monarchs, in spite of many circumstance that could bridle pontifical ambition, or at least induce it to conceal with a veil the extravagance of its pretensions, she dared more than ever shew herself openly, persuaded, no doubt, that to conceal herself at such time was to risk disappearing for ever. If we except the eighteen months of the pontificate of Adrian VI. the court of Rome has not ceased to challenge, during the whole course of the sixteenth century, the most absolute sovereignty over empires as well as over churches.—This is the conviction resulting from the facts drawn together in the ninth chapter of our first volume, and a large number of solemn acts too generally known, and too often published, for us to permit ourselves to produce them here ; for example, the bull ‘*In cœna Domini*,’ one of the most memorable productions of this century. Among the unedited pieces of the same character, and of the same era, it shall suffice us to cite the determinations which the abdication of Charles V. gave place to in the interior of the court of Rome. Behold what were the arguments of the



theologians of Paul IV. to prove that an emperor could not renounce the exercise of his functions without the permission of the Holy See.

(1) “ Without any doubt, the power, the authority of the Roman Pontiff is in such manner sovereign, that all others ought to recognize it, not only as superior, but as the source from whence emanate their splendour and their power. For the Almighty has given to Peter and to his successors, key-bearers of eternal life, all the rights of empire, terrestrial and celestial.

“ I say, that the renunciation of empire, made without the consent of your Holiness, is neither regular nor legitimate, because it ought to have been resigned into your hands ... .... The first reason for it is, that a renunciation ought to be made into the hands of the superior. Now the sovereign pontiff is the superior of the emperor and of all the princes of the world, since he has established them all, as said Innocent III. writing to the king of Bulgaria, and that, in establishing them, he has exercised an authority not derived from man, but which proceeds from the Son of God, whose vicar the pope is upon earth. By me princes reign, is written in the book of Proverbs, and by me legislators make equitable decree. No person can be called august, none

(1) See Appendix L.

called emperor, if he has not been approved, consecrated, and crowned by the pope, as said Paul the deacon, in the book on the origin and achievements of the Franks, and as said also the archbishop of Florence, in the first part of his collection book, 4th chap. 10, in which he explains these words of the Gospel according to St. John: Peter feed my sheep. If the emperor, if the kings, if all the princes of the world desire to be sheep of Christ, they must declare themselves submissive to the authority and rule of the sovereign pastor, who is the pope. In token of which the pope, in right of superior, blesses the emperor his inferior, conformable to these words of St. Paul's epistle to the Hebrews: "He who occupies the less elevated rank is blessed of him who is placed above him."

"The sovereign pontiff, the true vicar of God and of Christ in the earth, being the superior of the emperor who holds from him his power: the emperor even having been confirmed, anointed, crowned and consecrated by the sovereign pontiff, who imposed his hands on him at Bologna, I say, that he has not power, by his sole authority, without the hearing and consent of the pope, to abdicate the imperial crown: such is the doctrine generally received, which I derive from the doctors of either law; the law, reason, and the authorities, unite to confirm it. The same is observed in military discipline: an of-

ficer renounces not his duties without the permission of the superior officer who has laid them on him ; he cannot abdicate them without the loss of his honour. Now the emperor himself, in his own edicts, considers himself, say they, as one of the warriors of his army.

“ I say, that not only the election or promotion of a new emperor ought to be suspended or hindered, but that, inasmuch as it is contrary to public oaths, the person promoted ought to be deposed, dethroned, even as is lawfully practised in other circumstances, especially against Frederick, whom Innocent IV. deposed in the presence and by the advice of his venerable brethren.

“ It would be more easy for us to reply to the question, if this pretended cession of the empire had been published, or exhibited to us ; but at all events it is certain, that all that has been dared or attempted relative to this abdication, to this translation, to this occupation of the empire, unknown to the Roman Pontiff, without having consulted him, without his having either ordered or approved it, him whom this affair essentially regarded, ought to be considered as null and of no effect, and the contrary hypothesis cannot be defended, either by the authority of any law, or by any plausible arguments. The abdication of Charles, the deliberation of the electors, the acceptance of the imperial dignity by a new prince, are so many rash acts. If Cesar wishes to abdicate

the empire, he cannot do it of his own will, according to his caprice, and before whomsoever he may think proper:—it is necessary he should address the request to the sovereign pontiff, and that he should obtain permission from him whom he has for a superior, and whose supremacy he ought to recognize; from him by whom alone he has been promoted to the empire, and to whom he has taken, as the law requires, the oath of fidelity and perpetual obedience; from him who, in fine, has the power, well recognized, to deprive and to depose him.

“ Christ himself, our Lord, having arisen from the dead, and being upon the point of ascending into heaven to his Father, who had sent him; Christ has left this power to Peter in saying to him three times,—Feed my sheep! Feed my sheep! Feed my sheep! The council of Florence, in expounding these words, declares, that the Apostolic See and the Roman Pontiff enjoy the primacy over the whole universe; that the pope is the successor of the blessed Peter, prince of the apostles; that he is truly the vicar of Christ, the head of all the church, the father of all Christians, the universal doctor; that the blessed Peter has received from our Lord Jesus Christ the full power to guide, rule, and govern the entire church, as is testified in the acts of œcumenical councils, and in the sacred canons; in such mode, that the power, the monarchical principedom over all Christian people, belongs, without ambiguity,

to the pope, and belongs to none but him, from whom proceeds and on whom depends all power regal and imperial. For our Lord Jesus Christ is himself the sole prince, the sole monarch, the sole emperor of the world; now, he has for vicar the pope, who consecrates the emperor and the kings, from whom the emperor holds his name, and receives the sword destined to punish the wicked, and to glorify the saints. This is what Constantine the Great acknowledged, what the emperor Marcian confessed at the council of Chalcedon; the emperor Otho, and all the emperors successively, they have done homage for their imperial power to the sovereign pontiff, even as the Greek and Latin historians write. Such was the authority of pope Zachary, when he dethroned the king of France, and released his subjects from their oaths; such the authority of Innocent III. when he excommunicated the emperor; of Innocent IV. when he dispossessed Henry; and of many other sovereign pontiffs, who, in the name of God, have stripped emperors of empire and kings of their kingdoms. In fine, the pope is the monarch of the world: it necessarily follows that he holds in his hands both the one and the other sword, since Moses, whose successor he is, was armed with these two swords, and that Jesus Christ, our Lord, has made use of both one and the other. In virtue of this power, the pope has created, and at all times creates kings, and he transfers empire from one to



the other : Stephen III. transferred it from the Greeks to the Germans, and John de Turre-cremata relates it in his treatise on the papal power, chap. ix. col. 4. It was the pope who gave to seven German princes the right to elect an emperor, as Innocent III. relates : this election made, he who has been elected comes to solicit the pope to confirm it ; he supplicates the sovereign pontiff as his superior, to whom he takes an oath of fidelity ; an oath which, as well as the consecration, sufficiently manifests the inferiority of the prince. It is from the pope the emperor receives the imperial crown, and the sword, and the imperial ornaments, and the name of emperor, and the title of Augustus : is more necessary, to demonstrate with the clearest evidence, that the emperor holds his power and his dignity, not from his electors but from the pope ? An emperor named Henry having pretended, that he had never taken such oath of fidelity, it was declared under Clement V. in the council of Vienna, that every oath taken by an emperor to the pope and to the Apostolic See is an oath of fidelity ; thus was it practised without the least difficulty from the time of Otho and of Henry, even to that of Charles V. the predecessor of the present pretended emperor.

“ Relative to the question, whether Charles V. had power, without the consent of your Holiness, regularly and legitimately to cede the empire to his brother, there is no problem in it, since there is one

point which cannot be controverted. When a thing cannot in anywise be done, where is the use in asking if it can be accomplished regularly and legally ? Now, that the emperor cannot in anywise cede the empire, every thing proves ; arguments, authorities, precedents : for the imperial jurisdiction, proceeding from the Roman pontiff as from the vicar of Jesus Christ, the vicar whose hands are the rights and powers of all kingdoms, the prince on whom such jurisdiction is conferred does not possess it as a property which he can cede ; but he ought to bear the burden which has been imposed on him, so long as the sovereign pontiff deems it expedient he should bear it for the interests of the catholic church. But, if the emperor himself perceives that lawful causes prevent him from longer sustaining the weight, he should represent them to the Roman pontiff, in order that he, if he find them just, might admit them, and release the suppliant from the bonds which enchaind him. No person can ever be delivered from such obligations, but by him who has laid them on. Therefore the emperor cannot abdicate a power of which he is not the master. A hundred examples teach us, that the emperors never have arrogated to themselves the imperial power as a property which they held of themselves. We know that Otho, that Henry, that Frederick, that Charles IV. attest in their letters that each of them has been, in his time, promoted to the empire by the Roman

pontiffs. Nothing then is here effected without the authority, nothing without the order of the Apostolic See, which, as said Gregory IX. in transferring the empire of the Greeks to the Germans, far from lessening in anywise the substance of his own jurisdiction, has on the contrary subjected that of the empire, and has bestowed the power of the sword. Thus an emperor is convicted of want of faith and of honour, when he refuses to acknowledge the pope for his creator.<sup>(1)</sup> After all, if he who is to be promoted to the empire must previously be examined, scrutinized, approved, anointed and consecrated by the pope; with what front, with what pretension can the intruder dare occupy the empire, who has not undergone the examination of the Apostolic See? Gregory IX. and, before him, Innocent III. and Innocent IV. have affirmed, and we affirm with them, that every candidate for the empire is subject to this scrutiny. If any person pretends to exercise the imperial authority without having been approved by the Holy See, John XXII. declares, that it is not allowable to obey or adhere to such prince, neither as to an emperor, nor yet as to a governor."

The fragments we have just read, present the papal system in all its purity. Here behold, from

(1) *Factorem suum*: 'factor' is, in church Latin, synonymous with 'creator'—*factorem cœli et terræ*.

the time of Gregory VII. even to the end of the year 1800, the doctrine, sometimes public, sometimes secret, but always invariable, of the court of Rome. —It is true that most of the pontiffs of the two last centuries have lacked the necessary energy to profess aloud such principles; sometimes even difficult conjunctions, produced by their unskilfulness, have compelled them to pay humiliating homage to the secular authority: but, in yielding to the force of circumstances, they console themselves for it by clandestine protests, which are at once monuments of obstinacy, prevarication and weakness.

We know the treaty concluded at Pisa, the 12th of February 1664, between Alexander VII. and Louis XIV.....We know that the pope disavowed in it, and condemned as *atrocious and detestable*, the outrage committed at Rome, the 20th of August 1662, against the ambassador Crequi. The third article contains, in full, the discourse which the Cardinal Chigi, nephew of the pope, was in quality of legate, to address to the Very Christian King. In this discourse, which was actually delivered, the cardinal *attests, with the most profound respect possible, the joy he has in evincing, by the most humble and most sincere proofs of his obedience, the veneration with which he and all his house are penetrated, for the glorious name of his majesty; the reverence and devotion that all his family profess, and shall ever have the desire and the ambition to*

*profess, towards the king.* “If we had had,” he adds, “the least share in the outrage of the 20th of August, we would judge ourselves unworthy of “pardon.” He ends by *supplicating the king, to believe that all these words and all these sentiments are very sincere.*

We shall judge of this *sincerity* in reading the protestation which, after having signed this treaty and this discourse, the Very Holy Father wrote, with his own hand, and deposited in the archives of the Castle of St. Angelo.

(1) “After the accident which happened at Rome, the 20th of August 1662, between the servants of the duke de Crequi, ambassador of the king of France, and our guard of Corsican soldiers; in place of punishing the said servants, and the ambassador himself, who had become an accomplice in the most enormous crimes and outrages committed some weeks previously in this city, as appears from the proceedings taken, and complaints lodged, by our nuncio at Paris; and, in place of punishing the said domestics for new insults offered by them to the soldiers of the patrol, whom they have disarmed and maltreated, as well as for the injuries and provocations to the Corsican soldiers, while attending peaceably to their duty, His Very Christian Majesty

(1) See Appendix M.



has not chosen to take into consideration the extremity to which the said Corsicans were driven, who, assaulted in their barracks, the 20th of August, repulsed and pursued the assailants into the palace of the ambassador, and exceeded the bounds of legitimate defence; for this cause his Very Christian Majesty has driven from Paris, and from the kingdom of France, our apostolic nuncio; and has besides presumed to exact from us excessive and unbecoming satisfaction, has refused audience to whosoever was desirous on our part to inform him of the truth of the affair, and refused, nay returned, our letters and our briefs. Furthermore, passing to other claims, altogether unconnected with this affair, his Majesty has proposed to us, first, to satisfy the duke of Modena, who reclaims certain vallies of Comaccho, and whose pretensions are pending before an assembly which, even as the duke himself requested, ought to examine them, and which has not deferred to take cognizance of them, but through the fault of the duke himself; who to this day has not produced any justificative document; secondly, to put the duke of Parma in possession of the duchy of Castro and the territory of Ronciglione, to grant him a second delay of eight years to discharge his engagement, and the convenience to do so in many payments, without having any regard, either for the contract of sale entered into between him and our apostolic chamber, under date of the 19th of December 1649,

and ratified the 10th of January, 1651, after the king of Spain and the grand duke of Tuscany had employed their mediation in order that our said chamber might grant him the liberty of paying, after a delay of eight years, as is fully explained in said contract ; or, to the confiscation of said duchy and territory, pronounced by the advice of all the cardinals present, after the expiration of the said term of eight years, and of the three succeeding years also, with declaration that the said territory and duchy are contained in the bull of Pius V. and those of Innocent IX. and Clement VIII. our predecessors “ *de non infeudandis.*” By the medium of his ambassador, his very Christian Majesty has menaced in case he did not procure the preceding articles, to invade hostilely our ecclesiastical territories, to send into them twelve thousand infantry and six thousand horsemen : and, in fact, has seized upon the city and territory of Avignon, and the earldom of Venaissin, and their dependencies ; all which territories have belonged, for many centuries, to the Holy See, as well in spirituals as in temporals ; and this inroad, executed in contempt of the Apostolic See, is an outrage so much more great, as it has excited the people to rebellion, expelled violently or imprisoned our officers, and destroyed the coats of arms and the appendages of the Roman Church. In fine, his majesty, threatening us with all the development of his power, has declared that he would come

at the head of twenty thousand infantry and ten thousand cavalry to invade our States ; and that he would repair in person to Lyons and Pignerol, to accelerate the triumph of his arms against us ; which he has already commenced the execution of, first, by the entrance of about seven thousand infantry and above three thousand cavalry into the territories of Parma and Placentia, which are held of the Holy Church, then, by the position of this army in the state of Modena, immediately opposite the frontiers of our own states, and finally, by the perseverance with which new troops are continually forwarded from France to Italy. We, in order to prevent the designs of his Majesty, and to divert him from accomplishing his menaces, after having tried the most suitable means with him, and which best became our paternal zeal, and after having suffered ourselves even to yield to exorbitant concessions, and which were in no respect due, as is publicly known to all the world ; not perceiving his anger in anywise appeased, and finding no way of accommodation or agreement, we prepared ourselves the past year for the defence of our subjects, and we destined to this purpose the sum of two millions ; an expense which we have been at and even exceeded in the present year, hoping to obtain the assistance from the emperor which we had demanded of him, of other sovereigns, of the republic of Venice, and of all the Catholic princes and electors of the empire. But none of

them having contributed in the smallest sum to our defence, all having, in excuse, alleged difficulties of various kinds, having even continued to press us, in order to obtain from us all the satisfaction required however exorbitant, and especially a sum of money for the duke of Modena, and for the duke of Parma the full possession of the territories of Castro and Ronciglione ; the governor of Milan having also granted a passage to the French troops proceeding to attack us, and having refused it to those we had levied in Swisserland for our defence ; the Venetians having supplied the said invading army with munitions of war and provisions, as have also done, in its passage, the Genoese and the duke of Savoy ; and as France expects the same from the dukes of Tuscany and of Mantua ; finally, the dukes of Parma and of Modena having made extensive levies of soldiers : we have communicated all the circumstances to the sacred college of our cardinals, who, foreseeing and dreading an approaching invasion, and the injury the Holy See must sustain in spirituals as well as in temporals, if this war were once kindled, and aware that the temporal arms of the Holy See are not adequate to prevent or to avoid these evils, persuaded that, in this urgent case of extreme, evident, and fatal necessity, the constitutions and decretals of Pius V. of Clement VIII. and other sovereign pontiffs our predecessors, are not obligatory, any more than those we ourselves



have promulgated to confirm them, in what respects Castro and Ronciglione, we have judged expedient to satisfy the duke of Modena, and to promise to the duke of Parma, the taking off the sequestration, granting him a new term to release himself from it, and the liberty to do it in one or many payments. Thus we have found ourselves necessitated to announce this determination to the ambassadors of the princes who are on terms with the king of France, and afterwards to send Monsieur Rasponi to Pisa, where his very Christian Majesty has given us to understand, by the intermedial of the grand duke of Tuscany and the cardinal dean, that he had conveyed full powers to M. de Purlemont, auditor of the Rotu, powers which were to be in force till the 15th of February of the present month, to conclude between us any agreement, and not longer : for to the many other concessions he has exacted, the king of France has yet added the prescribing of this delay.

“ But, in order that it may be manifest to our successors and to posterity, that we have been constrained to these concessions by force, by violence, just apprehension from the arms of his very Christian Majesty, and by the rigorous necessity of preventing greater evils which a war in Italy would produce, undertaken by so powerful a hand against the Apostolic See, abandoned by all the Catholic Princes that were required to succour it ; when, besides, the Turk, not content with having landed in



Candia, menaced all the other isles of the Venetian inheritance, Dalmatia, and Friuli, and having already occupied a great part of the kingdom of Hungary, prepared to open with a formidable force a new campaign :

“ In these circumstances, and from these motives, of our proper motion, with our perfect knowledge and full power, we protest before the blessed God, before the glorious apostles Peter and Paul, that we have neither approved, done, or ordered, neither mean to approve, do, or order, any of the above-mentioned acts, nor any of the various concessions said to have been conceded, especially those which concern the affair of the Corsicans, any more than those which have been demanded for the duke of Modena, or those which relate to the duchy of Castro, the territory of Ronciglione, and their dependencies ; we declare, that the said acts and concessions are by no means the result of our free will, but truly, of irresistible force, of open violence, and of the necessity of evading and of remedying the very great injuries and sufferings, that a war kindled by France in Italy would produce to religion, to the Holy See, to its states, its subjects and its vassals, at the same time that the Turk, employing all his power and having already invaded so many places, extending his menaces still farther, prepared to attack the church ; the Turk, against whom we have these three years past promised to

confederate, without having yet reaped the least fruit of the efforts which we have made to draw into this league the catholic princes.

“ We declare, in consequence, that the above-mentioned things, and in particular the said removal of sequestration, and concession of a new term, with all that has been either expressed or done, and all we shall be under a necessity to do, or command to be done, in this respect, must be attributed to the said force, violence and compulsion, to which we alone could not offer resistance, and by no means whatever to any inclination properly our own, nor to any consent given by us, since, on the contrary, we are opposed to each of the said things, and especially to that which relates to the said removal of sequestration, and to all the acts done or to be done, antecedent or consequent, which are there specified. Furthermore we admit from this time, the protestations and declarations made and to be made, in whatsoever form they be, by every person, especially ecclesiastical, on the nullity and inconsistency of concessions so made, both the said removal of sequestration and all that relates to it, whether preceding or consecutive : in such sort, that all the said acts may be abrogated, as well by legal and judicial means as by every other which may at any time, in any manner, and in any place, suit us, our holy see, and our apostolic chamber ; desiring that our present protestations may be considered as made and re-

peated, previous to, at the commencement, in the middle, and at the end of all the said acts, as well of those which have been done as of those which shall be done; ordaining, that the present protestations and declarations by us written, be valid, that they may have their true, full and total effect, and may have full force, although they be not enregistered in the public acts, nor in the books of our apostolic chamber, nor elsewhere, and although the authority of the judge be not stamped thereon. We decree, and desire, that the present may give full evidence of our true will at all times, in all places, and on all occasions beneficial to the Holy See and the apostolic chamber; supplying from the plenitude of our power every defect which any person may lay hold of, or desire to lay hold of herein; notwithstanding the usages, formulas, laws, decrees, apostolic constitutions, statutes, customs, or other dispositions or institutions whatever, which tend or might tend to a contrary end; all and every of which, having here sufficiently indicated their object and circumstances, we degrade in every allowable manner, and in the best form which the thing admits, even in the cases wherein the said laws and determinations should have been specially and individually mentioned.

“ Given in our palace of Monte-Cavallo, the 18th day of February of the year one thousand six hun-

dred and sixty-four, and by the divine mercy the ninth of our pontificate.

ALEXANDER VII. POPE,  
with our proper hand."

Almost all the acts of the Court of Rome against the Four Articles of 1682 have been made public ; they prove that, even to the close of the 17th century, the popes had not despaired of recovering their power over the temporal affairs of kings. Ranucci, bishop of Fanno, nuncio in France, received in 1683 ample instructions, of which here are some extracts :

(1) " One of the incidents, the most dangerous and the most important, the immediate subject of the present disputes, is the sacrilegious publication of four propositions professed by the last assembly of the French clergy, without authority as without reason, by the influence of the court, which the clergy blushed not blindly to serve on this occasion, and whose intention it was to intimidate his Holiness and divert him from the principal affair, which was that of the ' Regale.'\* This is clearly to be seen in reflecting that for many years past, in all the differences between France and the Holy See, such propositions were always brought forward by means of

(1) See Appendix N.

\* A right belonging to the French kings.

the Sorbonne, in hopes that, by menacing the popes with declaring their judgments in matters of faith open to reformation, subjecting their authority to that of general councils, and denying them all jurisdiction, even indirect, over the temporal affairs of princes, they could succeed in terrifying them and subjecting them to the will of the French Court, and dispose them to grant it the most unjust concessions. But this doctrine, received by the Richerists, a faction which is not yet extinct, and which made a great noise in the Sorbonne in the commencement of this century, this rash and impious doctrine, the French have never been able to establish on any solid foundation, &c.

“ From the time of the civil wars in France, which ended by the conversion of king Henry IV. to the catholic faith, was seen spring up, extend and strengthen itself among the people, an opinion insinuated by politic and designing men, which consists in considering the authority of the Holy See over the temporal affairs of princes as a doctrine too odious to heretics, consequently as an obstacle to their re-union with the church, and an abuse dangerous to religion, &c.

“ Many years passed away before this subject was publicly debated, until the publication of the famous book of the Jesuit Santarelli. In 1626 the Sorbonne brought the question upon the ‘ tapis,’ censuring in this book the doctrines which attribu-



ted to the popes any authority over the temporals of princes. This resolution of the Sorbonne was the fruit of the artifices of some powerful and politic men, rather than an emanation from that liberty which ought to reign in every christian assembly, and especially in those which are composed of theologians and priests."

A letter in cipher, addressed to the same nuncio Ranucci, and relative to a cardinal that Louis XIV. had exiled, merits also some attention.

(1) " Our Lord, the pope, never had an intention of contesting with the very Christian King, the right of removing from his service those ministers and officers with whom his Majesty may be dissatisfied : but he has simply believed that he could not send into exile an ecclesiastic, and, with much more reason, a cardinal. His Holiness is induced so to think from no personal consideration for the cardinal Bouillon who has employed no means to obtain the least assistance from Rome, and of whom his Holiness has had no reason to boast himself ; but he respects here justice, and those motions of zeal which he ought to entertain for the immunities of persons and things sacred. Ecclesiastics may be born subjects of the king , but, as soon as they are promoted to one of the orders of the church, they become

(1) See Appendix O.

exempt from all laical jurisdiction, and henceforward are subjects of the Holy See and of the Church, alone. Thus the doctrine on this point, professed by father La Chaise and M. de Croissy, is condemned as erroneous by his Holiness, who wishes that you may speak to the king on the subject, in the terms already prescribed, saying to him, that his Holiness, as much from the tender and paternal affection he bears his sacred person, as to fulfil an indispensable obligation, thinks it his duty to warn his majesty of things which place in peril his eternal salvation, &c."

These last lines give room to believe, that the court of Rome already foresaw the future decline of the moral and intellectual faculties of Louis XIV. In 1693, she succeeded in terrifying him sufficiently to obtain from him the following letter :

"(1) Most holy father, I have always hoped much from the exaltation of your holiness to the pontificate, for the advantages of the church and the advancement of our holy religion. I now experience the effects of it with much joy, in all that which your blessedness does of great and of useful for one and the other. It redoubles my filial respect towards your holiness ; and while I seek to make it known to you, by the strongest proof in my power to give, I am also much gratified in informing your holiness that I

(1) See Appendix P.

have given the necessary orders, to the end, that the matter contained in my edict of the 2d of March 1682, touching the declarations made by the French clergy, to which part conjunctures compelled me, be not observed, desiring that, not your holiness alone be informed of my sentiments, but that all the world may know, by a special mark, the veneration I have for your great and holy qualities ; I doubt not that your blessedness will acknowledge it by every proof and demonstration of your paternal affection towards me ; and I pray God in the mean time that he preserve your Holiness many years, and as happy as wishes,

Most holy father,

Your very devoted son,

“ LOUIS.”

Versailles the 14th of Sept. 1693.

Louis not only wrote with his own hand this ignominious epistle, but he exacted of many bishops, till then adherents to the four articles, that they should address to the pope a letter conceived in the following terms :

(1) “ Most holy father, when the happy church delivers itself up to joy, when all Christians reap the immense fruits of your paternal cares, and find in

(1) See Appendix. Q.

your bosom, as in that of a tender father, the sweetest asylum, nothing can be more painful to me than to behold myself excluded from the good graces of your holiness, by the present posture of affairs. Well knowing that I experience this misfortune because I assisted in 1682 in the assembly of the French clergy, I cast myself at the feet of your Holiness, confessing and declaring, that my very heart is sensibly affected beyond what words can express, for those matters which passed here in the said assembly, and which have sovereignly displeased your Holiness and your predecessors. In consequence I regard as not decreed, and I declare that so it should be regarded, all that may have been reputed decreed, in this same assembly, against the ecclesiastical power and the pontifical authority.—Further, I hold as not considered what may have been reputed considered, in prejudice of the rights of the churches, my intention never having been to decree or to do any thing prejudicial to the said churches. In offering to your Holiness this pledge of my absolute devotion and of my profound respect, I desire that neither the obedience which I owe, and which I shall be careful to render to the last moment of my life, nor my zeal to defend the rights of the churches, may ever be called in question. I therefore hope, that after having read the present letter, your Holiness will condescend, as I most humbly supplicate of you, to restore me your good graces

and benevolence, and give me charge of the church of———, to which I have been named by our very Christian King, in order that I may consecrate all my cares, even as I sincerely promise to your Holiness to do, to the salvation of souls, to the interests of the Christian religion, and to the rights and dignity of this same church of———, In the mean time I promise anew, and swear to your Holiness, as to the successor of the prince of the Apostles, as to the vicar of our Lord Jesus Christ, as to the chief of all the militant church, the true and sincere obedience which I have already promised ; wishing for the good of all the church, long and happy years to your Holiness, of whom I am the very humble, very obedient and very devoted son and servant.”

Emboldened by such success, the court of Rome no longer kept any measure : in 1694, the Dominican Roccaberti treated as heretics those who denied the infallibility of the pope, as impious and schismatics those who denied to the sovereign pontiff the power to spoil kings of their dominions. The theologians, who approved the book of Roccaberti, ventured to declare ‘ that the pope was the king of kings, the lord of lords, absolute, and without restriction, and that he possessed, in spirituals and temporals, a power which the heretics endeavoured in vain to ravish from him.’ “The French,”



add these theologians, “ oppose to us privileges and  
 “ liberties ; but these pretended privileges are but  
 “ iniquities (non privilegia, sed pravilegia). What-  
 “ ever existed of jurisdiction, of graces, of liberty, in  
 “ the patriarchs, in primates, in princes, in emperors,  
 “ they borrowed it, they begged it (emendicant) of  
 “ the sovereign pontiff; they hold it of his revo-  
 “ cable word. He can revoke, break, abrogate at  
 “ his will, all or each one of the liberties and privi-  
 “ leges of the clergy of France, of the people and of  
 “ the king.”

Bossuet has left us an excellent memoir against the work of Roccaberti, and especially against his approvers.

Assuredly Gregory VII. in the eleventh century, had said nothing more than the court of Rome caused to be taught at the end of the seventeenth ; and, when the maxims of Hildebrand are thus renewed, extended and applied, it is not surprizing that in 1729 they have purposed canonizing anew this founder of the theocratic system.

A double feast was therefore instituted in honor of Saint Gregory VII. pope and confessor ; and we are about to read the prayer and the legends which, the 25th of May of each year, are to retrace for us his virtues, and recommend the imitation of them.

(1) “ *Prayer.* God, who fortifiest those who

(1) Appendix R.

trust in thee, thou who hast endowed the blessed Gregory, thy confessor and thy pontiff, with the courage and the constancy necessary to defend the liberty of the church, cause that after his example and by his intercession we may combat with a victorious intrepidity all that is opposed to us. (Par N. S. J. C.) For J. C. our Lord's sake."

(1) "*In the second Nocturnal, lesson iv.*—Gregory VII. pope, formerly named Hildebrand, born at Soane in Etruria, one of the most distinguished men, by his knowledge, his holiness, by all sorts of virtues, has wonderfully adorned the church of God. They relate that being still an infant and not knowing how to read, one day that he played in the shop of a joiner, he collected pieces of wood, formed letters of them, and so disposed them that they composed this oracle of David: He shall rule from one sea to the other. God conducted the hand of the child,<sup>(2)</sup> and thus announced the immense authority that Gregory was to exercise in the world. Afterwards he proceeded to Rome, and was there brought up under the protection of Saint Peter. Profoundly afflicted, from his youth up to see the liberty of the church oppressed by the laity, and the depraved manners of the clergy, he took the

(1) Appendix S.

(2) Is it not a mockery of God and men to insert in the Divine Offices such puerile fables? The popes of the latter ages have made a farce of the whole Roman liturgy, in the hope of prolonging and increasing the ignorance of both the people and their pastors.

monastic habit in the abbey of Cluni, where, under the rule of St. Benedict, at that time reigned the most austere discipline ; he there served God with a piety so fervent, that the holy fathers of this monastery elected him their prior. But the Divine Providence destining him to higher functions, and to become the instrument of salvation to a much greater number of men, Hildebrand left Cluni, and was, at first, elected abbot of the monastery of Saint Paul, outside the walls of Rome, then created cardinal of the Roman Church. He was seen, under the sovereign pontiffs Leo IX. Victor II. Stephen IX. Nicholas II. and Alexander II. to acquit himself of important duties attached to eminent dignities : the blessed Peter Damien has praised him as a man whose counsels were holy and pure. Sent into France by Victor II. with the quality of legate ‘a latere,’ he found at Lyons a bishop tainted with the Simoniacal leprosy, and compelled him by a miracle to confess his crime. In a council of Tours, he constrained Berengarius repeatedly to abjure heresy ; he extinguished also, by his virtue, the schism of Cadaloo.

“ *Lesson V.* Alexander II. being dead, Hildebrand was, against his wish, and to his great displeasure, elected by a unanimous voice, sovereign pontiff, and blazed in the house of God like a sun : for powerful in his works and in his words, he applied himself with so much zeal to restore the ecclesiastical discipline, to propagate the faith, to give

liberty to the church, to extirpate errors and abuses, that, since the time of the apostles, there is no memory of any pontiff who has laboured more, or suffered more for the church of God, or combated more strongly for its liberty. He delivered some provinces from the scourge of simony. We have seen him oppose, to the impious efforts of the emperor Henry, the strength and perseverance of an intrepid wrestler, raise himself as a bulwark for the defence of the house of Israel, plunge this same Henry into the abyss of misfortune, cut him off from the communion of the faithful, deprive him of his kingdom, and absolve his subjects, his people, from the faith which they had pledged to him.

“ *Lesson VI.* While he celebrated Mass, some pious assistants perceived a dove, which came from heaven, and fixing itself on his right shoulder, extended its wings and veiled the head of the holy pontiff with them, to signify that he was directed in his mode of governing the church, not by the motives of human prudence, but by the inspiration of the Holy Spirit. Closely besieged at Rome by the army of the iniquitous Henry, he extinguished by a sign of the cross a fire which the enemy had kindled. Released finally from the hands of the emperor by Robert Guiscard, chief of the Normans, he retired to Monte Cassino, and from thence to Salerno, to perform the dedication of a church to Saint Matthew the Apostle. After having preached a sermon to the in-

habitants of Salerno, worn out with griefs, he fell sick, and he knew before-hand that he would not recover. The last words of Gregory, expiring, were these: "I have loved justice and hated iniquity, behold wherefore I die in exile!" We cannot enumerate either the enterprizes which he courageously sustained, or the wise laws which emanated from the councils assembled by him in the city of Rome: he was a personage truly holy, the implacable enemy of crime, and a very zealous defender of the church. After filling for twelve years the pontificate, he quitted earth for heaven, the year of the incarnation 1085: many miracles have adorned his life, many prodigies have attended his death: his sacred body has been honorably interred in the cathedral of Salerno."

The piece which we are about to transcribe had till the present time remained secret: it is a discourse in which Clement XIII. condemns and annuls, in 1762, the decrees passed by the parliament of France against the Jesuits.

(1) "Venerable brethren, although even now all Christendom knows, that in the bosom of the very flourishing kingdom of France, which we bear in the bowels of our paternal charity, there is introduced in sacred and ecclesiastical things a disorder,

(1) See Appendix M.



the progress of which condemns to the bitterest grief, to sighs and to tears, all those who, having preserved a sound heart, have seen the lay magistracy lay hands on the ark of the Lord ; nevertheless, the events which have occurred, giving place to new complaints, we have thought it our duty, venerable brethren, to inform you of it in this place, not only, that in sharing our griefs with you we may excite you to join your prayers to ours, but, further, in order to break and annul expressly, however desperate our case may be, each of those acts which, having emanated from the incompetent authority of these magistrates, are wicked attempts against the divine honour, deep wounds to the universal church, and scandalous outrages to the rights and majesty of the apostolic see. From the day that France beheld this flame kindled, and this violent storm gather from all sides against the ‘ Society of Jesus,’ we have been cruelly afflicted with the multitude of decrees, or, as they term them ‘ public arrets’ whether in the capital of this kingdom or elsewhere, now of one parliament and again of another, all of which preserve an ancient hatred to this society, and seize, for its destruction, the opportunity of the present war, and the embarrassments prolonged with it. But that which above all afflicts our heart is, to perceive the imminent danger with which these machinations menace the honour of the altars,

the interests of the whole church, and those of the Holy See.

“ We at first raised our eyes towards the mountain from whence the church might expect a timely succour ; and just motives have determined us to place our courage in silence and in hope. Afterwards, not to appear wanting to the apostolic functions which heaven has confided to us, we have once and again at several opportunities implored the authority of the Most Christian King, our very dear son in Christ Jesus, implored him by his respect for his ancestors, who on so many occasions merited well of the Catholic Religion and of the Holy See, and conjured him to repress the license of the parliaments. Furthermore, in order to accomplish more fully the duties which the pastoral love and solicitude prescribe us, we have, through our venerable brother, Peter bishop of Colosse, our nuncio, and nuncio of the apostolic see in France, invoked the concurrence of those who enjoy near the Most Christian King the most eminent dignities and most powerful credit. We conceived a secret hope of the cure of the evil, when our looks were fixed upon our venerable brothers, the bishops of the Gallican Church, inflamed with so pure a zeal for the defence of the divine honour : we knew that using a short time past the privilege which they have received from God in their episcopal consecration, and taking the armour of justice, which consists of the divine

word, they have challenged and solicited from the most pious monarch, the means of repelling the outrages with which the said magistrates endeavour to overwhelm the divine and ecclesiastical institutions, and that, in the midst of the troubles excited against the Society of Jesus, many of these prelates, required by the king to express their sentiments of the members who compose it, have exculpated them from all the reproaches made to their morals and to their doctrines.

“ However, though we cannot doubt the heart of the king has not ceased to preserve a firm and noble desire to protect religion and to establish peace, God has permitted that no way has been discovered to arrest, in the midst of these troubles and the heat of these quarrels, the progress of the evil, become from day to day more and more rapid.

“ We cannot then, venerable brothers, describe to you adequately with what poignant grief we have been penetrated, and what horror has seized us, when we have, placed beneath our eyes, the decrees of these same parliaments, decrees first published in one place, then in another, and when we have seen enter into the sanctuary of the Lord those gentiles whom the Lord had forbidden to place a foot in his church.

“ In fine, what are the limits fixed by the Eternal, which, in the midst of these confused troubles, have not been overleaped by these carnal children of the

age ! They usurp the doctrinal instruction which had been confided to the pastors of Israel alone, to the vigilant guardians of the flock ; they usurp it in contempt of this divine oracle : “ *The lips of the priest shall preserve knowledge ; and it is from his mouth that the people shall hear the law.* ” They calumniate, they reprobate the institution of the clerks regular of the Society of Jesus ; a pious institution, serviceable to the church, long approved of by the Apostolic See, and which has obtained from the Council of Trent and from the Roman pontiffs, unperishing praises : an institution whose founder is honoured among the habitants of Heaven, and to which have belonged upon earth persons rendered illustrious by the honours of a like canonization, or by so many labours for the catholicity and for the salvation of their brethren, that the church and this sacred college deem themselves honoured in them. They pour out opprobrium on the order of this meritorious body ; they represent it as opposed to human and divine laws ; they proscribe it and condemn it to the flames. In fine, it is frightful to say it, the members of this society, who have taken a vow to follow such order, and who, prostrate at the foot of the altars, have, under the pledge of the most solemn oaths, supplicated the Almighty to be the witness and surety of their promise, are now dispensed from it ; and, by an execrable endeavour, till this day without example, it is forbidden them, under the se-

verest penalties, to accomplish the vows, which their lips have pronounced, and the Eternal has received. They are obliged, on the contrary, to abjure this order, which the magistrates have declared irreconcilable with human and divine right. What further shall I say to you? Arrogating to themselves, with the most culpable rashness, a power which belongs but to the Vicar of Christ upon earth, seculars break the bands of the Society of Jesus in the kingdom of France. They set its possessions up to sale, in spite of ecclesiastical immunities : its pupils are obliged to embrace another line of life, proposed to them by a lay magistrate ; are stripped of their habits, deprived of their name, and interdicted intercourse with their fellow members : they lose all the hope of obtaining an ecclesiastical benefice, or a temporal employment, if, among other engagements, they do not swear to support and defend the ‘ Four Propositions,’ too famous and too generally published, which are contained in the declaration respecting the ecclesiastical power, published in the assembly of the French clergy in the year 1682 ; propositions which our predecessor Alexander VIII. of glorious memory, has condemned and annulled by his letters expedited in form of brief.

“ So many severe blows, so many wounds with which they have afflicted the Catholic Church and the Apostolic Power, keep us plunged day and night in the bitterest affliction : we lament for the unbri-



dled arrogance of the magistrates, who overturn and dispose of, after their own inclination, the ecclesiastical laws, and who wish, as St. Augustine expresses it, to elevate the water over the oil, to put light under the darkness, to place the Earth above the Heavens. But is this tribulation, the excess of which consumes us, but a passive grief, but a useless torpor ? Beware of thinking so.

“ Avengers and protectors of ecclesiastical rights, established as such by the Lord, we know that speedily we shall render a rigorous account of our administration. In yielding ourselves up to indolence, we should have to fear, that at the day of judgment, a day so terrible to those who command, our unfaithfulness might be cast in our teeth, with the sentence of the prophet : *You have not dared to venture to the assault, you have not opposed yourselves as a wall for the house of Israel*; or this sentence more terrible still : *My flocks are dispersed, and no man offers to go in search of them.*

At first, by our sobs and our tears, we implored the God who is seated upon the throne, and judges righteously ; next, mounted on this seat we have called your venerable brethren, in order that, placed in your presence and, as it were, surrounded with auxiliary warriors, using the Power which God has given us, we may abolish and annihilate all the illegal acts which they have attempted. Walking, therefore, in the footsteps of our predecessors, and imita-

ting their example, we condemn and reject all that the said magistrates have done against religion, against the universal church, against the apostolic see, and against the constitutions of the pontiffs.—Furthermore, including in our present sentence, all the orders, arrests, decrees, declarations and edicts, published by the laical power in France, in any manner or place whatsoever, designed for the extinction and dissolution of the society of Jesus, whatever may be the number and particular character of the said acts, having emanated from an incompetent authority, and relating in any way whatever to the order, the persons, the prerogatives, or immunities of the said regular clergy ; acts, invasive of the most sacred rights of the universal church and of the apostolic see, and prejudicial to the ecclesiastical immunities and privileges of ecclesiastics ; joining with said acts all and every one of those which may follow, in whatever form, time, or place it may be, as well as all those which may emanate from the other parliaments of France, and which may tend to the same end ; we declare, that all the said acts have been, from their origin, null, vain, invalid, and incapable of any legitimate effect ; so let them rest for ever, and let no person be held to conform to them, even though obliged to do so by oath ; we ordain it so to be, by virtue of this our present solemn and consistorial decree ; and of our own motion, of our perfect knowledge, and full power,

we break, suppress, annul, reject, and abolish, all and every of the said acts; we protest before God their manifest nullity, reserving to ourselves to render a more ample account of this suppression, breaking, annulling, and abolishing, at such time as we shall be assured of power to do so usefully and profitably in the Lord.

“ Behold, venerable brothers! the declarations which we had to make to you, in order to fulfil the duty of our pastoral office, and to the end we may not be judged severely by the Lord, whose day approaches. In the mean time, let us pray together to the Almighty God and to the blessed Apostles Peter and Paul, who behold the tears of the priesthood and of the empire; let us supplicate them, conjure them to inspire men with wiser resolutions, in such sort, that this storm may finally be appeased, that this irritated sea may become calm, that it may deposit the dregs of its unstable motions, and that the church may recover the tranquillity which she desires.

“ We attest that the present allocation has been pronounced by us, in our secret consistory, held the 3d of Sept. of the year 1764.

Signed,

CLEMENT XIII. POPE.”

We may remark in this piece the expression of the implacable hatred which the court of Rome pre-

served against the maxims of the French Church declared in 1682. The same feeling appears in many of the acts of Pius the VI. and especially in the bull ‘*Auctorem fidei*,’ published in 1794. This bull condemns many decrees of the council held at Pistoia in 1786 ; but the only point which interests us is that which concerns the Four Articles. Pius VI. speaks of them in these terms :

(1) “ We must not pass in silence the famous and fraudulent rashness of the synod of Pistoia, which has dared, not only to speak with eulogy of the declaration of the French clergy in 1682, long since censured by the Holy See, but, also, undertaken to invest it with greater authority, by insidiously introducing it into a decree *de fide*, openly adopting the articles it contains, and sealing, by a public and solemn profession of these articles, the principles scattered through this same decree. Whence it follows, first that we have grounds to form against the said synod complaints, much more serious than those of our predecessors against the assembly of 1682 ; and we may add, that this synod outrages also the Church of France, when it deems it worthy of being invoked as the patron of the errors with which this decree is infected.

“ In consequence our venerable predecessors, Innocent XI. by his brief of the 11th of April, 1682, and after him, more formally still, Alex-

(1) See Appendix. T.

ander VIII. by the bull ‘*Inter multiplices*,’ dated the 4th of August 1690, having, in fulfilment of their apostolic duties, disowned, abrogated, and declared null and without effect the said acts of the assembly of the clergy of France; the pastoral solicitude exacts of us with much stronger reasons, that the adoption, so vicious in every respect, which has been recently made of these acts in the council of Pistoia, be by us condemned and reprobated, as rash, as scandalous, and, after the decrees which have emanated from our predecessors, as extremely injurious to the Holy See; so that in effect we reprobate and condemn it by our present decree, and we ordain it to be held as reprobate and condemned.”

To shew that in 1805 the court of Rome still renewed her anathemas against the articles of 1682, we should have to cite the discourse delivered by pope Pius VII. on his return from Paris. Not that there is any express mention made of these articles in it; but the bull ‘*Auctorem fidei*,’ which condemns them, is there formally confirmed. It was thus that, immediately after the coronation of the Emperor of the French, they endeavoured to bring into contempt, without naming it, the declaration which most honors the clergy of France. But as we mean to make, in the latter part of this volume, a particular exposition of the conduct of pope Pius VII. we will here ter-



minate the history of the obstinate efforts of his predecessors, to maintain, propagate, and develope, the theocratic doctrine of Gregory VII.

It appears to us that from the pieces we have collected it clearly results, that from the time of Hildebrand to the commencement of the nineteenth century, the popes have not ceased to pretend themselves invested with a power, superior not only to that of councils in religious matters, but also to that of kings and of emperors in political affairs. These intolerable pretensions, and the scandalous impostures which serve to sustain them, have cut off from the Catholic Church the greatest part of Christendom. We are now going to examine how far in France they knew in what manner to reconcile with the respect due to mysteries and dogmas, an energetic resistance to pontifical ambition.

## EXPOSITION OF THE MAXIMS OF THE GALLICAN CHURCH.

FROM THE TIME OF ST. LOUIS TO OUR OWN TIMES.

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**T**HE Maxims of the Gallican Church are without doubt much more ancient than St. Louis, as they really are but the primitive laws of the universal church. They express the doctrine and the practice of the ages anterior to the introduction of the false decretals. These maxims do not belong to France, but inasmuch as they have been preserved in France more faithfully than elsewhere. Every time that Rome has forgotten or opposed them, France has asserted them. In the ninth century, French bishops opposed them to Gregory IV. when this pontiff hurried from Italy to trouble the kingdom, and second the rebellion, of the son of Louis I. Hincmar professed them under Charles the Bald, and repressed by their authority the ambition of Adrian II. and of John VIII. <sup>(1)</sup> At the end of the tenth century, they

(1) *Neque edictis tuis stamus, neque tuas bullas tonitruaque timemus. Tu eos qui decretis tuis non parent impietatis condemnas. Nos tuo te ense jugulamus, qui edictum Dei nostri conspuis, concordiam discendis, &c.*

were energetically opposed to John XV. by Hugh Capet and the French prelates, one of whom afterwards became pope. In the following century, they almost rendered inefficacious the anathemas which the popes, Gregory VII. and Urban II. launched against Philip I. Finally, in the twelfth and thirteenth centuries, they defended Philip Augustus when menaced by a Clement, a Celestine, and by the redoubtable Innocent III. But St. Louis, in order the better to insure the authority of these venerable maxims, has recorded them in a solemn law which bears the name of the ‘*Pragmatic Sanction.*’

“ St. Louis, says Mezerai, made the ecclesiastical discipline be rigorously maintained, and shewed by example, and commanded by edicts, an excellent and holy life to the ministers of religion; and because he well knew that nothing corrupts them so much as to mix too freely in secular affairs, and trespass on the rights of others, on this account he judged it proper to bridle this too great license. Have we not from him this ordonnance, which some name the ‘first pragmatic’ against the attempts of the Court of Rome ?”<sup>(1)</sup>

The editor of the ‘*Proofs of the Liberties of the Gallican Church,*’ makes the following observations on the pragmatic sanction of Louis IX :

“ This ordonnance is found complete in the ancient

(1) See Appendix V.

“ registers, and is printed in the very old records of  
 “ the Parliament of the year 1515, and even in a  
 “ book of M. Helie de Bourdeille, archbishop of  
 “ Tours, and afterwards cardinal, entitled ‘*Defen-*  
 “ *sorium Concordatorum*,’ printed at Toulouse in the  
 “ year 1518. Nicholas Gilles, who lived in the  
 “ reign of Charles VIII. has inserted the principal  
 “ points of it in his history ; the estates held at  
 “ Tours, in the year 1483, in the chapter of the  
 “ church, make mention of it : also the act of appeal  
 “ of the university of Paris, of the year 1491, which  
 “ is in the thirteenth chapter of this collection. The  
 “ court of parliament, in its remonstrances made to  
 “ the king, Louis XI. year 1461, art. 12. speaks  
 “ thus of it : *Moreover, because in the time of Mon-*  
 “ *sieur St. Louis, those of Rome began to desire the*  
 “ *prevention of the elections, Monsieur St. Louis, as*  
 “ *a Catholic prince, and zealous for the Christian*  
 “ *religion, as protector, guardian, and defender of*  
 “ *the churches of his kingdom, and, by good advice*  
 “ *and counsel, published an edict and decree, and*  
 “ *among other things, ordained the elections to take*  
 “ *place in his said kingdom, which had heretofore*  
 “ *been permitted to take place, and remedied the evil*  
 “ *and inconveniences of the before-mentioned con-*  
 “ *fusion his said kingdom would have incurred, if*  
 “ *the right of liberty of election had not been main-*  
 “ *tained and preserved.* And M. Jean Boucher, in  
 “ his Annals of Aquitaine, 4th part, page 100, says :

“ ‘ *St. Louis made many noble decrees, as well relative to temporal affairs as for the privileges of the church, and, among others, desired that their jurisdictions might be preserved to them ; that they might provide by canonical elections for the archbishops and bishops’ sees, and other elective ecclesiastical dignities, according to the disposition of the common law ; and prohibits the exactions of the Roman court in his kingdom.* ”

The authority of this document, supported by Bossuet,<sup>(1)</sup> has been denied by Cardinal Orsi, one of the theologians that the court of Rome employed to write against the Four Articles of 1682. A French author<sup>(2)</sup> addressed to this Orsi the following reply :

“ The Pragmatic Sanction of St. Louis shews, with what zeal this prince defended the liberties of his kingdom against the vexations and usurpations of the court of Rome. Father Orsi, whom this piece ought to reduce to silence, boldly replies that it is the work of an impostor, and not that of the sainted king. His proofs are those we read in Charlas, which Charlas borrowed from father Thomas-sin, and which M. Bossuet has refuted. The proof which speaks the strongest in Orsi is, that the royal saint was ever on a good understanding with the popes, towards whom he testified on all occasions much respect. Does he then suppose one cannot, with-

(1) Defens. Cler. Gall. lib. xi. c. 9.

(2) Dissertation on the work of Cardinal Orsi, printed in the sequel of the translation of Bossuet’s work.



“ out interrupting a good intelligence with the pope,  
 “ and without failing in respect to him, oppose with  
 “ modesty the arbitrary orders which they obtain  
 “ from him by surprize, and attempts directly  
 “ opposed to the sacred canons? St. Louis knew  
 “ how to reconcile these two things; and in the  
 “ first years of his reign, in 1234, he made a decree  
 “ to repress, by attachment of their goods, the bishops  
 “ who harrassed the secular judges in the exercise of  
 “ their functions, and had no regard to the complaints  
 “ made against it by Gregory IX. a very imperious  
 “ pope. We know that he not only refused, on behalf  
 “ of his brother the Count d’Artois, the imperial crown  
 “ which this same pope affected to take away from  
 “ Frederick II. but still more, detained the money  
 “ with which Gregory intended to make war with  
 “ this prince. Is it astonishing, after that, if in 1268  
 “ St. Louis believed it a duty to publish this prag-  
 “ matic sanction, especially under a pope so wise  
 “ and moderate as was Clement IV. a Frenchman by  
 “ birth, with whom I would not be at all surprized  
 “ if it had been concerted? However it may have  
 “ been, all the monuments of our history of the time  
 “ of St. Louis give us to understand, that this prince  
 “ made it a religious duty, to maintain the just liber-  
 “ ties of his kingdom, contained briefly in his decla-  
 “ ration.....I ought to observe, that Father Alex-  
 “ ander, a Dominican, has so solidly replied to the

“ difficulties of Father Thomassin, repeated by  
 “ Charlas and by Father Orsi, that I am exonerated  
 “ from saying more on this point. If any person  
 “ desires to search it to the bottom, he can recur to  
 “ the work of this learned Dominican.”<sup>(1)</sup>

The grandson of St. Louis, Philip the Fair, had memorable disputes with Boniface VIII. and repressed with energy the ambition of this mad pontiff.<sup>(2)</sup> An advocate of the king, giving his conclusions on the letter of Boniface ‘ Scire te volumus,’ declared the principles which the pope professed in it to be heretical.<sup>(3)</sup> It is not for us to decide whether or not it was heresy, but assuredly it was insanity. Further, this magistrate named De Bosco or Du Bois, supported the independence of the crown and repelled the designs of the spiritual authority. De Bosco speaks of the Donation of Constantine and never calls in question its authenticity; so much did the best intentioned minds still need information! But, in the midst of such profound ignorance, the good sense of the king’s advocate is but the more remarkable: he regrets those times when the popes were poor and holy, and deplores those institutions which have made them rich, powerful, ambitious and perverse.

In spite of the enormous extent which the de-

(1) Nat. Alexandri Hist. Eccles. sect. xiii. c. 10, art. 3.

(2) See Appendix W.

(3) See Appendix X.

cree of Gratian and the body of the decretals published by Gregory IX. had given to the ecclesiastical jurisdiction, the rights of the civil authority in France were maintained through the whole course of the fourteenth century. In 1350, for example, king John declared that it was not allowable to interdict any lands in his Domain ;<sup>(1)</sup> and, in 1385, Charles VI. acknowledged no superior on earth, denied to the spiritual authority any sort of superiority or influence over the power of the princes.<sup>(2)</sup>

A national council of France was held at Paris in 1406 : we then beheld assembled sixty-four bishops and archbishops, about one hundred and fifty abbots, and a vast number of doctors and licentiates from all the universities of the kingdom. The whole parliament, the officers of the crown, the princes of the blood, the dauphin, and the king himself, when his health allowed, assisted at it. Six theologians were directed to lay open the griefs of the nation against pope Benedict, and six others to plead for him. The cordelier Pierre-aux-Bœufs was heard first, who spoke against the pontiff, and who compared schism to a circle. “ Alas ! said he, and the present  
 “ schism has it not indeed the form of a circle, where  
 “ one finds neither termination nor outlet ! Many have  
 “ been the other schisms ; but they were only semi-  
 “ circles, they were only right lines, where the end

(1) See Appendix Y.

(2) See Appendix Z.

“ was soon found and they were brought to a conclusion. But in this present schism we find neither bottom nor shore.... If the parts of the circumference touched the middle point the circle would be broken. So it seems with the two lords on whom this business depends. They dwell too much about the point of union....What is that point of union? it is the point of concession! it is the most reasonable way and the most expedient point to arrive at a speedy union. They turn too much about this point, introducing irrelevant matter.”

The orator afterwards depicts the misfortunes which the *manœuvres* of competitors for the *papacy* draw after them, their *ambition to rule*, their insatiable *desire to possess*. “ Alas !” said he, “ what grievous tempests arise from them ; disturbance of kingdoms, ruptures of great alliances, hatreds among nations, divisions between countries, the weakening of Christianity, the strengthening of unbelievers, mocking of our faith, doubts respecting the sacraments, spoiling of poor churches, mulcting of divine service, extortion from the poor clergy, plunder of the goods of the church !....But it cannot be denied, that if the pope, by his hasty and irregular wishes, should scandalize the church, hold it in a state of disturbance, or should lead it to destruction, the prelates above-mentioned may oppose him, and constantly withstand him, and that

“ they have authority of themselves to assemble in  
 “ council, in order to provide, remedy, dictate, sen-  
 “ tence, and give decision.” In support of these  
 maxims are here brought forward many examples,  
 and especially that of the emperor Otho I. who as-  
 sembled, in 963, a council at Rome, when John XII.  
 was deposed.

John Petit was afterwards heard, and by these  
 words which he took for his text, “ *Withdraw from  
 the tabernacles of the impious, and touch not that  
 which regards them, lest you should be implicated in  
 their sins,*” he announced the opinion he had conceiv-  
 ed of the two popes, and the necessity of withdraw-  
 ing himself from obedience to both one and the other.  
 It was not that he hated them ; on the contrary,  
 he had before been prejudiced in favour of Benedict.  
 “ I swear to you, said he, on my conscience, that  
 “ when I heard that Peter de la Lune, who is now  
 “ Benedict, was elected pope, I had singular joy in  
 “ it, because I had heard him preach and approve  
 “ the plan of concession when he was legate in  
 “ France.” Benedict when cardinal had said “ *that  
 “ he would prefer becoming a poor cordeliere than  
 “ keep the church in such a schism.*” At the con-  
 clave in which he was elected another cardinal was  
 thought of, who refused from the fear of being too  
 weak, too proud, ‘ *to descend to concession.*’ Upon  
 which Peter de Lune said : “ *If the case were mine  
 I would renounce it as readily as I would deprive*



*myself of my hat."* The same Peter de Lune was also opposed to the election of a candidate who was a Chartreux, representing those hermits as '*at all times obstinate, and too immoveable in their opinion; to stoop to concede!*' After having related these particulars, and shewn how Benedict, by appearing disposed to concession, had caused himself to be elected, John Petit relates all the steps, all the submissions, by which prelates and princes had vainly attempted to obtain from this pontiff that renunciation which alone could give peace to the church. Those who reproached him with having changed his opinion, were charged by him with falsehood; but said the Duke de Berry, 'saving the honour of the papacy, it was he himself that lied in his throat.' Benedict had promised to concede, he conceded not; to convoke a council, he did not assemble one; to ratify the elections made during the withdrawing from obedience, he presumed to annul them; finally, to maintain the liberties of the Gallican Church, he dared to disregard them. For these four reasons, Jean Petit concluded that Benedict ought to be no longer obeyed.

This was also the conclusion of Simon de Cra-maud, patriarch of Alexandria, afterwards cardinal. He shewed that the popes being established but for the preservation of unity, those pretended popes should be rejected who cherished division, an œcumenical council should be convoked and each particular

church be suffered to govern itself by synods and its ordinary prelates. " Have we not primates, says he, " the archbishops of Bourges, Vienne, and Lyon-sur-Rhone ? It would be more suitable, that causes " should remain in the kingdom than be removed in- " to other countries. Nevertheless I do not wish to " say any thing against the liberties and franchises of " the Church of Rome.... .... The dis- " pensations which are given every day, are they not " dissipations ? Will not a bishop or an archbishop " temper those dispensations better than a secretary " of the court of Rome would do ? .... Nei- " ther the pope nor the prelates are masters of the " church's property, they are but its defenders and " solicitors ; but the temporal lords are its true " lords... .... The doctors say, that contu- " macy in a sovereign bishop or pope is heresy " quite clear, as also, to hold the popedom by hypo- " crisy."

The *popedom* had for its first advocate William Fillastre, dean of Rheims, who became afterwards bishop of Mans, and cardinal. Fillastre in commencing his speech, promised to speak ill of *nobody, especially of Madame the University* : but he expressed himself on the royal authority with so much ignorance and inconsiderateness, that he was obliged to make the ' amende honorable' for it. Here follow some lines of his retraction, in which we still find the stamp of the gross errors which the Court of Rome

had propagated. “Sire, I have spoken of my own  
 “authority alone : since it displeases you, do with  
 “me according to your pleasure. I have spoken  
 “on some subjects foolishly. I do not say it by  
 “any means for excuse, but to obtain your clemency.  
 “Sire, I therefore throw myself on your clemency ;  
 “I am a poor man, who have been brought up in the  
 “country ; I am rude by nature ; I have not lived  
 “with kings, nor with lords, by which I could learn the  
 “manner or style of speaking in their presence. If I  
 “have spoken foolishly I am very sorry for it.—  
 “Sire, I know your crown is not a whit like those of  
 “others. The emperor holds his empire of the pope,  
 “but your kingdom is held by inheritance. I know  
 “truly you do not hold the place by the authority  
 “of man ; but that you are a person half spiritual  
 “and half temporal. You are of the ‘*regibus un-*  
 “*ctis*’ ; de quibus ‘*regibus unctus*.’ I find three who  
 “have been anointed by men born ‘*ex mulieribus*  
 “*sterilibus*.’ First, we find that king Saul was anoint-  
 “ed by Samuel, which Samuel was anointed to  
 “his mother, who was reputed sterile... .... The  
 “king of all kings was anointed by John the Bap-  
 “tist. The third which we find of them, Sire, was  
 “Clovis your predecessor, who was baptised by  
 “Mons. St. Remy, who was the son of a sterile mo-  
 “ther : and an angel from Heaven brought him the  
 “unction, and so your kingdom is not like other  
 “kingdoms. It is hereditary and held of no one.

“ You are emperor in your kingdom, you know no  
 “ sovereign on earth in temporal things.”

The archbishop of Tours, another defender of the most holy father, supported very vigorously the rights of the Holy See, and employed himself in a long apology for Peter de Lune. He also asserted, that in accepting the tiara, this pontiff had the design of resigning it : “ And this is,” adds he, “ one  
 “ of the principal causes why he keeps his benefices  
 “ of cardinal ; in order that he should have where-  
 “ with to subsist, in case he should be reduced to  
 “ his first state of the cardinalat.” We see that Peter de Lune was provident, but, according to his apologist, he was no less infatuated, and we may apprehend that, in withdrawing from his obedience, one should only irritate him to no purpose. “ You have seen for  
 “ five years that he has been in prison he has never  
 “ been willing to act otherwise : do you think  
 “ now he has the keys of the church he will act  
 “ otherwise ? I think he will not. He is from the  
 “ country of downright mules, when they have taken  
 “ a path, you may whip and scourge them before  
 “ they can be turned from it, unless they take it into  
 “ their heads.”

Peter d'Ailly, bishop of Cambray, and afterwards cardinal, pleaded the same cause with remarkable moderation. After apologizing for his ‘ cold’ and his ‘ little eloquence,’ he declares that he finds the ‘ way of cession’ good and holy, and complains

only of the invectives uttered against the pope by some members of the university. “ I say that it is  
 “ a very abominable thing that in this affair they  
 “ should use contumacious words, and especially  
 “ against the person of the pope, before he be  
 “ judged such as they charge him with being. I  
 “ have read and studied the books of the general  
 “ councils, which general councils have judged many  
 “ of the popes for various crimes and condemned  
 “ them; but I have not found that these contumelies  
 “ were among them. But these contumelies which  
 “ have been expressed and spoken in the defamatory  
 “ sermons and libels will reflect back on yourselves;  
 “ and for God’s sake let us avoid them, and treat  
 “ our subject decently and calmly.”

“ When the error of John XXII. on the beatific  
 “ vision was treated of, the king of France, who was  
 “ at the wood of Vincennes, sent to the faculty of  
 “ theology, not by any means to the university, and  
 “ the faculty sent him twenty-six masters to Vin-  
 “ cennes; and the decree which they made, he  
 “ executed and sent to pope John XXII. that he  
 “ should revoke it, or that he should burn it.”

From thence Peter d’Ailly concluded that they ought to deliberate in the body of doctors alone, and not in the entire university; that in the council of prelates, these matters should never be pronounced upon *in form of decision, but of advice*, for fear of occasioning a *schism in the faith* between the



council and the university. He added, that it was unnecessary to dwell solely on the mode of cession, good though it was: "Because," said he, "if our side had peradventure yielded, the other would by no means do so. It does not appear from the letters had from it by M. the duke de Berry that they possess the will.....I much marvel how they dare to speak of such high matters as to say, that the pope is a heretic, a schismatic, and especially in his absence. This is an elevated subject, and cannot be treated of in the French language and before laics, and belongs not so properly to civilians as to theologians."

After these three advocates of the pope, the dean of Rheims, the archbishop of Tours, and the archbishop of Cambray, one of their adversaries was heard, to wit, Peter Regis or Le Roi, abbot of Mount St. Michael. "If there were neither pomp nor riches," said the Abbe, "the popedom had not been so much coveted.....It is lawful, expedient, and proper, that the church be brought back to the law of common right in what relates to the disposition of benefices, elections, confirmations, &c.....Jesus Christ said to St. Peter, '*Feed my sheep*;' he did not say '*Take their nourishment from them*.' Every time and as far as the pope does any thing which tends not to the end for which he was appointed, he ought no longer to be obeyed, as we do not obey a judge if he does, or

“ decides any thing contrary to his authority.—  
 “ The words of Jesus Christ, ‘ *that which you shall*  
 “ *bind on earth,*’ are conditional, that is, if the pope  
 “ act according to his power ; it is necessary the  
 “ pope should found what he does in reason, other-  
 “ wise what he does is null. To be able to do evil  
 “ is not authority.... . We ought to resist the  
 “ commandments of the pope, when they give occa-  
 “ sion for schism, though the commands themselves  
 “ be lawful, for this reason, that his power is estab-  
 “ lished to preserve the unity of the church and not  
 “ to disturb it ..... A prelate ought not to pro-  
 “ mote to a benefice save him who is competent, in  
 “ knowledge, in morals, and in years. Sometimes a  
 “ person will be good and proper for one place who  
 “ would not be so in another. This is what the pope  
 “ cannot be acquainted with. The state of a church  
 “ ought to be best known in the place where such  
 “ church is situated.....The pope in usurping every  
 “ thing to himself in this manner, gives himself too  
 “ much trouble and solicitude, which he might as  
 “ well let alone. One might apply very properly to  
 “ him what Jethro said to Moses : ‘ *You exhaust*  
 “ *yourself foolishly : this burden is too heavy for*  
 “ *you, you cannot bear it singly.*’ It is better to  
 “ govern a few things well, than to rule many dis-  
 “ orderly. The office of a pope is principally to  
 “ preach and to exhort ; which he cannot well do  
 “ amongst so many hindrances and embarrassments

“ .....If we consult the chronicles and decrees, we  
 “ shall not find that the popes made such usurpa-  
 “ tions, neither that they had the disposal of bene-  
 “ fices : on the contrary, when they recommended  
 “ some ecclesiastic to a bishop, we find they laid a  
 “ heavy burden on the bishop : they did it not even  
 “ by command but as it were by supplication. The  
 “ pope is not universal lord of the church ; he is the  
 “ servant of servants, in order to serve every human  
 “ creature.” In concluding, the orator addresses  
 himself to the king, and entreats him to oppose him-  
 self to so many excesses. “ You have,” said he to  
 him, “ power over the pope, when the pope upholds  
 “ schism so obstinately as he does.” Peter Regis  
 maintains that the authority of the monarch is suf-  
 ficient, that a council might be dispensed with, and  
 that no person ought to suffer himself to be intimi-  
 dated by menaces of excommunication, because, far  
 from being obliged to obey a schismatic pope, such  
 obedience is, on the contrary, criminal.

Peter Plaoul, a canon of Notre Dame de Paris,  
 doctor in theology, harangued upon this text, ‘ *Far  
 be from hence the enemies of Zion,*’ that is, the  
 popes, according to the orators. He asks : ‘ *And  
 by whom shall they be cast out ?*’ and he replies :  
 “ The kings of France, principally, have always put  
 “ away schismatics and heretics, enemies and per-  
 “ secutors of the faith, and other princes also.” Now  
 such are in his eyes the competitors for the papacy,

he compares them to demons, *which make a good entrance but a bad exit* ; to the idol or devil at *Delphos*, whose replies had always two faces. “ The pope can err,” said he, “ can sin : the church is so full of charity, that she cannot err ; she cannot go astray, nor commit sin.....The temporal possessions of the church are the tender parts of its body, which war and make war on it every day, and from this sensuality proceed and spring up schism and division. I do not say temporal power may administer the sacraments, nor that it may interfere in conferring orders : but, when it sees such schism, of which it must at a future time render an account, wherefore should it not consider what remedy were suitable ? It is a very great merit and virtue in a temporal prince when he does that which the spiritual ought to do, and gives great pleasure to the spiritual power though it displeases him who presides over such power.”

Although Fillastre, dean of Rheims, had already spoken without success as without prudence, as we have before said, he was permitted to pronounce a second discourse, which was neither more sensible nor more skilful than the first. He desired that the pope should possess not only the right to pasture the Lord's sheep, but also to shear them ; and in reply to the abbot of St. Michael du Mont, who had supported the contrary, he expressed himself in these terms :

“ I do not know what they do in the country Mon-  
 “ sieur l’abbé du Mont ; but I am very certain that  
 “ in my father’s house, at least once a year, they  
 “ sheared their sheep : otherwise the thorns and this-  
 “ tles would fasten in them, which would slay and  
 “ kill the sheep. They are entrusted to him to feed  
 “ and shear. If he does so, he uses his right, and  
 “ perhaps there are none at any time who, if they  
 “ were sheared more or less than they are, would be  
 “ the better for it.”

Simon de Cramaud, patriarch of Alexandria, who next obtained permission to speak a second time, asserted that Benedict was no longer pope, and that they ought not to obey him. “ There was a monk in  
 “ a monastery,” said he, “ who played the religious to  
 “ perfection. He fasted three times a week, he never  
 “ omitted it. He was made abbot, and he fasted no more.  
 “ It was remarked to him : *Sir, you were used to*  
 “ *fast ; but you have altogether forgotten your*  
 “ *usual custom.* He replied, that he was then  
 “ keeping the eve of the festival he was now cele-  
 “ brating.” So Benedict, before becoming pope, appeared humble, christian-like, peaceful, and disposed to giving up. The dean of Rheims had instanced the example of king Uzziah, punished for having put his hand to the censer. “ This example,” said the patriarch, “ is made very mal-a-propos.  
 “ Uzziah wished to sing the mass and perform the  
 “ sacrifice, which was the province of the priests ; so



“ was justly struck with leprosy. If the king of  
 “ France sees a schism in the church, of which he  
 “ must render an account at the day of judgment,  
 “ who shall prevent him from putting forth his hand,  
 “ and doing the best he can? I believe you will  
 “ find that there never has been a schism put down in  
 “ a general council, where there had not been a king  
 “ present who countenanced the matter and lent a  
 “ hand to it.”

After they had further heard the archbishop of Tours for the pope, and John Petit against him, the advocate general, John Juvenal des Ursins, reprimanded, in the name of the king, dean Fillaster, for having dared to say, that the pope was sovereign in spirituals and temporals. “ He has spoken  
 “ very improperly, and if he does not retract, I  
 “ must take proceedings against him,” said the advocate general, who also complained of the maxims advanced by the rest of Benedict’s defenders, and even by the archbishop of Cambray and Peter d’Ailly. According to Juvenal des Ursins, the popedom, which he called ‘*the Cephality*,’ was first at “ Jerusalem, then at Antioch, afterwards at Rome. If  
 “ it could be so, added he, that the ‘*Cephality*’ and  
 “ the Apostolic See were again sent back there and  
 “ confined to their first place, to Jerusalem, I believe it  
 “ would be well.” The advocate of the king supported the liberty of elections, and would not suffer the pretensions of a pope to annul them. “ As all that,”

said he, “ tends to the king’s injury, I beseech  
 “ you, my lords, to provide against it.....It ap-  
 “ pertains not to the Church of Rome to fill up the  
 “ vacancies of the Church of Paris. Wherefore?  
 “ because it is very well founded and endowed.....  
 “ and in case of necessity it could yield him sup-  
 “ plies. The rights of churches are derived from  
 “ kings and temporal princes. Constantine en-  
 “ dowed the Church of Rome. The king of France  
 “ founded the church of St. Denix, &c.” The  
 advocate of the king gave credit we see to the Do-  
 nation of Constantine: this fable was still so accred-  
 ited, that the best informed men never called it in  
 question, even at the very time they combated the  
 pretensions of the Roman court. Here Juvenal des  
 Ursins cites it to shew, that the popes hold their  
 temporal domains from sovereigns alone, and to  
 draw from it the conclusion that, without the con-  
 sent of kings, the popes can exact no tribute from  
 either the people or the clergy. He complains of  
 the collectors and questors, ministers of the exac-  
 tions of the bishop of Rome; he calls them ‘ rascals,’  
 and adds, “ The pope has so many catch-bits, that  
 scarcely one half comes to his share; they disturb,  
 they write, they pull down, they excommunicate  
 and they destroy all.”

The university published its conclusions in six  
 articles, viz.

1. Every prelate, were he pope, is obliged to ab-

dicare for the unity of the church and the extinction of schism, even though he should not have promised to cede : and he may be compelled so to do.

2. A pope who has promised and sworn to cede, if the greater number of the cardinals judge it necessary, is obliged before God and the church militant so to do. There is no man who can dispense him from so doing. Jesus Christ and his church have right over the pope.

3. When a pope has sworn to cede, and that, required so to do by the greater number of the cardinals, he refuses, he is a perjurer, unfaithful to God and man ; he may be arraigned for heresy : if he persists in his refusal, he ought to be declared a heretic by the assembly of prelates.

4. He who has been elected pope only on the condition that he would cede, when occasion requires ; and who, solemnly called on to resign, perseveres obstinately in calling himself pope, is no longer pope, and one may and ought to disregard him, without a necessity of a decree being expressly made on the subject.

5. A pope who publicly violates his oaths, is notoriously guilty, contumacious and rebellious ; he ought to be pursued like a heretic.

6. Secular princes are meritorious in the sight of God, and vindicate his sacred rights, when they league together to punish an infatuated pontiff,

whose perjuries have rendered him unworthy of the papal dignity.

Upon these conclusions of the university, the prelates who represented the Gallican church made a decree in which they prayed :

1. That the king should forbid all the subjects of his kingdom, and of the dauphinate, to condemn directly or indirectly the mode of cession, or the withdrawal of obedience.

2. That all which had been done or ruled during this withdrawal should be valid, inviolable, and subsist in all its force.

3. That all which might have been done, in whatsoever manner, in a way opposed to this withdrawal might be rectified and fully repaired.

The king confirmed this decree by an edict of the 7th of January, 1407, which was not published till the month of March following.

In 1417, the 26th February, " Master William de Tur, advocate or deputy to the king's solicitor, said and proposed in judgment, that the king is emperor in his own dominions, holding of none but God, and not being under the jurisdiction of any person or lord whatever, and that, as king and emperor, he can make laws and decrees in his kingdom, against which no person in his kingdom can take any step ' direct or indirect,' even by way of appeal, on pain of high treason.

" He said, besides, that he is the founder of the

“ benefices of his kingdom, ‘ *maxime*,’ of the greater  
 “ part, and to whom the collection of many belongs  
 “ ‘ *pleno jure*,’ and others ‘ *jure regaliæ*,’ and also  
 “ is protector of the Church of France, and to him  
 “ belongs to protect its liberties and privileges, and  
 “ in order to preserve them, to make laws and  
 “ cause them to be kept, and it is not allowable to  
 “ any subject of the king to oppose them.”—*Ex-*  
*tracted from the Parliamentary Registers.*

We have spoken in our first volume, page 230, of the pragmatic sanction published by Charles VII. in 1439. However important this truly national decree, we cannot insert it here in consequence of its length, and because it has been so often printed. It is to be found in the Collection of Ordonnances, vol. xiii. pages 267 to 291. You may consult also in the ‘ Collection of the Liberties of the Gallican Church,’ at the conclusion of the second part of vol. 1. an historical memoir of Dupuy, on the origin of the pragmatic sanction. See here what Villaret says on the subject, History of France, vol. 1, page 261.

“ We think it a duty to the reader to give an ac-  
 “ count of these laws, long considered among us as  
 “ the bulwarks of the liberties of the Gallican church.  
 “ For the pragmatic of Charles VII. is but an  
 “ extension of that published by Louis IX. the  
 “ most religious of our monarchs. These are the  
 “ principal articles which were determined on. That  
 “ an œcumenical council was superior to the pope.



“ That, according to the ancient usage, they should  
 “ proceed by means of election to fill the archiepiscop-  
 “ opal sees and other ecclesiastical dignities. That  
 “ all the general reservations on this head should be  
 “ prohibited, as well as the particular reservations of  
 “ the smaller livings. That the bishop and ordina-  
 “ ries should be maintained in their right of collation.  
 “ That the pope cannot bestow a vacant benefice,  
 “ except in the case where the collator shall have  
 “ ten in his nomination ; and two, when he has fifty.  
 “ That one cannot be compelled to go to plead in  
 “ the court of Rome : and that, in cases of appeal,  
 “ the pope should be obliged to delegate judges ‘ in  
 “ partibus.’ That none should be called up out of  
 “ his diocese to a court more than four days jour-  
 “ ney distant. The general abolition of all benevo-  
 “ lences, reversions, reservations, anticipations, man-  
 “ damuses, &c. The reduction of the cardinals to  
 “ twenty-four. Abuse of excommunications and in-  
 “ terdicts repressed. Very express prohibitions from  
 “ paying the first fruits to the Holy See, under pain  
 “ to the offenders of being declared simoniacal, and,  
 “ to impeach the pope at the approaching council, if  
 “ he accepted such fees.” Charles in consecrating  
 this edict by his authority, drawn up by the most  
 enlightened men in his kingdom, displayed his wis-  
 dom. He caused his firmness to be no less admir-  
 ed, by the attention he paid to the maintenance of its  
 execution during the whole course of his reign.

“ This pragmatic sanction, says Pasquier, produced some repose to our Gallican church, but not to the court of Rome, which never relished such.— And those who even, previous to their pontifical dignity, approved of them, suddenly after their promotion changed their tone, as did Eneas Sylvius, who, like a great personage as he was, being at the council of Basle, where many of these propositions had been agreed on, published a book expressly to prove, that there was nothing in any of these articles other than what was holy and full of piety : however, after becoming pope, and that he had changed his own name into that of Pius II. he retracted it.” *Recherches de la France*, vol. 3. p. 27.

In 1456, a cardinal sent into France in quality of Legate by pope Calixtus III. was obliged to do homage to the liberties of the Gallican Church, to the sovereign power of the king and the authority of the pragmatic sanction. “ Alain, by the grace of God, cardinal of the Roman Church, by the title of St. Praxedes, commonly called the cardinal of Avignon ; to all those to whom these present letters shall come, salvation through our Lord. As we have been and are sent by our holy father, pope Calixtus III, legate ‘ a latere ’ to the kingdom of France, and to all the Gallican nation, and other countries as far as the Rhine, and because the very high and puissant and most Christian king, my sovereign

“ Lord, the King of France, has sent a venerable  
 “ and discreet person, M. Jean Bastard, his counsel-  
 “ lor and chanter of the church at Paris, to us in this  
 “ city of Avignon, by whom it has been command-  
 “ ed and made known to us, that, because the king  
 “ has a right not to have nor to receive an apostolic  
 “ legate into his kingdom, and that no cardinal or  
 “ other person ought to come to him in form and  
 “ manner of legate ‘a latere’ to exercise or use any  
 “ power or authority as legate, and that the king  
 “ and his predecessors have always enjoyed and  
 “ used such right, the king does not mean that we  
 “ should be legate in his said kingdom, nor that we  
 “ should enter therein or act as legate, neither use in  
 “ any way whatever power or authority as legate,  
 “ touching or relating to jurisdictions, collation of  
 “ benefices, nor in any other manner whatever;  
 “ but that, for certain causes and considerations,  
 “ which have moved and do him move thereto, his  
 “ good pleasure was and is that we go unto him,  
 “ and cause our crosiers to be borne before us when-  
 “ ever we may be in his said kingdom, and that in  
 “ the letters which we shall write, we nominate our-  
 “ selves ‘legate a latere’: We make known, that we,  
 “ having respect to what has been above stated, wish  
 “ and accord, and are content that our entrance and  
 “ arrival in the said kingdom of France, and the bear-  
 “ ing of the cross before us in the said kingdom,  
 “ and other insignia as legate, even as the good plea-

“ sure of the king has permitted to us, and also the  
 “ name of legate a latere, which we make use of and  
 “ assume in our letters, may be all without prejudice  
 “ of the rights of the king and of the kingdom, and  
 “ of his successors for the time to come ; and we pro-  
 “ mise, that we will not use nor perform any thing  
 “ appertaining to the office of legate, nor to the  
 “ power and authority of legate ‘a latere’ in the said  
 “ kingdom of France : but, if we shall use any spe-  
 “ cial or particular powers given, granted or conced-  
 “ ed to us by our holy father, the pope, we are wil-  
 “ ling and content that it be without prejudice of the  
 “ rights of the king and of the kingdom aforesaid : and  
 “ we do not mean that this be understood to be under  
 “ the power, or by way of exercising the power of  
 “ legate a latere, and that we will use none which are  
 “ opposed to or in prejudice of the pragmatic sanction ;  
 “ and if any thing hath been done by us, or caused  
 “ to be done, to the contrary, from this time as for the  
 “ past, we will, that all be null, broken and invalid.  
 “ In witness of which abovenamed things, and in or-  
 “ der that they may have the greater stability, we  
 “ have granted and caused these letters to be written,  
 “ and sign them with our proper hand, and cause  
 “ them to be sealed with our own seal, in the said  
 “ place of Avignon, the first day of January, year  
 “ One Thousand Four Hundred and Fifty-six.—  
 “ Signed A. Cardinal d’Avignon.”—*From the Re-  
 gister of the Ordonnances Barbines, fol. 182.*

In 1475, Louis XI. declares, that no bull shall be published, until after they shall have been assured by a mature enquiry, that it contains nothing contrary to the liberties of the Gallican church.

“ Louis, by the grace of God, king of France, to  
 “ our beloved, &c. As we have been informed that  
 “ many messengers, and other persons of divers  
 “ states, have brought and still bring daily into our  
 “ kingdom, or into the confines thereof, many bulls,  
 “ letters and other processes and writings of the  
 “ court of Rome, greatly prejudicial and opposed to  
 “ us and to the liberties and franchises of the Gal-  
 “ lican Church : therefore, we, wishing to provide  
 “ herefor, have, by the advice and decision of many  
 “ lords of our blood and lineage, and members of our  
 “ council, resolved, concluded and determined, to  
 “ place in some good cities of this our kingdom some  
 “ notable persons, to us sure and faithful, to whom  
 “ all manner of people, of whatsoever state or con-  
 “ dition they be, coming from the said court of  
 “ Rome, shall be required to present and exhibit the  
 “ letters, bulls, and other writings which they may  
 “ bear, in order that they may be viewed and exa-  
 “ mined, and to ascertain if they can turn to our  
 “ prejudice or damage in any way, or to the damage  
 “ of the privileges, franchises and liberties of the  
 “ said Gallican Church.....

“ And in case any such shall be found which



“ might prove contrary or prejudicial thereto,  
 “ secure them and retain them with you, and the  
 “ bearers of them arrest and constitute your pri-  
 “ soners, if you perceive the matter renders them  
 “ liable to it : and of the substance of said letters  
 “ advertise us, or send them to us with all diligence,  
 “ in order that we may make the necessary provision,  
 “ and such as the case may require, relative to them.  
 “ And, in order that no person may pretend igno-  
 “ rance of the contents of these presents, cause them  
 “ to be read, cried and published, &c.

“ Given at Plessis-du-Parc-lez-Tours, the 8th day  
 “ of January, year of Grace, 1475, and of our reign  
 “ the fifteenth. By the king in his council, in which  
 “ were the archbishop of Lyons, the sieurs de Beau-  
 “ jeu, de Montagu, d’Argenton, du Bouchage,  
 “ Master John Bourre, the treasurer, and other  
 “ persons.

“ Signed,

“ DE CHAUMONT.”

In 1468, Paul II. dared to cause a bull to be  
 published in France, by which he excommuni-  
 cated the king of Bohemia. Louis XI. though he  
 had far too much complaisance for the court of  
 Rome, was aware however of the consequences of  
 this attempt, and caused a memorial to be framed,  
 of which here follow some of the articles :

“ First, it is not a trifling thing to denounce an

“ excommunicated, exasperated, anathematized king,  
 “ in the state of another king, especially that of  
 “ France, who is most Christian, and acknowledges  
 “ no person in temporals, without informing him of  
 “ it, to prize him so little, as ‘jure auctoritatis,’  
 “ to command such to be published in his states, the  
 “ like of which had never been done in the times of  
 “ the predecessors of the king.

“ Secondly, it is a great attempt of the popes to  
 “ assume to themselves power to deprive kings of  
 “ their royal dignity in two cases, the one, if they  
 “ adhere to heretics, the other, if they conspire  
 “ against the pope’s authority, for the matter may  
 “ extend itself into too many branches ; and also, to  
 “ send to have it published in the kingdom of France,  
 “ without advertising the king, and without his  
 “ knowledge and consent.

“ *Item*, it is a great attempt to send to pro-  
 “ claim in France, that one cannot assess or levy  
 “ any collects real or personal upon people of the  
 “ church, without the permission of the pope : for, by  
 “ this means, all the temporal subjects of the members  
 “ of the church would no longer pay any thing to the  
 “ king ; and so the pope wishes to imply, that they  
 “ are his subjects in temporals, and not the king’s.

“ *Item*, it is a great attempt to send to proclaim  
 “ in France, that those who strip or detain persons  
 “ going to Rome are excommunicated ; for by this  
 “ means all the royal ordinances, and all the orders

“ of the king, relative to the bulls of the court of  
 “ Rome, and silver and copper money which leave  
 “ the kingdom, would be null.

“ *Item*, it is a great attempt to excommunicate all  
 “ those who in their possessions impose new cus-  
 “ toms, and to send to proclaim it in France.

“ *Item*, it is a great attempt to abolish all the privileges  
 “ of princes, whether kings or others, relative to the  
 “ contents of said bull, and that the said privileges can  
 “ profit them nothing, and that the king is no more  
 “ excepted than the least personage in his kingdom,  
 “ and to send to proclaim it in France.

“ *Item*, it is a strange article, that none can be absolved  
 “ from the censures contained in said bull, unless they  
 “ look to the pope, and that no priest can absolve  
 “ them even in the article of death, unless they enter  
 “ bail, if they get well, to go unto the pope.

“ *Item*, the brief implies, that there are some, in  
 “ each of the provinces of France, who are involved  
 “ in the crimes contained in said bull, which is a great  
 “ libel on the kingdom ; for heresy never took root  
 “ there ; wherefore, &c.”

The fifteenth century offers so many other monu-  
 ments of the same kind : for example, two acts of  
 appeal of the University of Paris, both dated in the  
 month of Sept. 1491, relative to the exactions of the  
 Court of Rome. But the first of these pieces con-  
 sists of simple formulas generally, and the se-  
 cond, loaded on the other hand with the most toil-

some details, can hardly pass but for an amplification of the college. We are obliged to admit, that the acts of the university of Paris have had very often this deplorable character. However that be, we may remark here, as we have said elsewhere,<sup>(1)</sup> an express mention of the pragmatic sanction of Louis IX. as follows :

“ *Beatus enim Ludovicus, dum in humanis ageret, fertur quandam pragmaticam sanctionem edidisse per quam exactiones et onera gravissima pecuniarum, per curiam Romanam ecclesiis regni sui et ejus ministris impositas vel imposita sive imponenda, levare et colligi prohibuit, nisi duntaxat pro rationabili, piâ et urgentissimâ causâ, vel inevitabili necessitate, et de spontaneo et expresso consensu ipsius cleri, regniq[ue] ejus.*”. We should observe, that the university employs in those lines the very terms of the 5th Article of the pragmatic of Saint Louis.

In the sixteenth century, we shall first remark a decree of the parliament of Paris against seditious preachers. “ This day the court has ordained, that M. John de Selve, first president, shall send this day to fetch into his house the preachers who preach in this city, in order to inform them that they must preach sagely and discreetly, and stir the people to devotion and love towards each other, and towards those who have the burden and administra-

(1) Vol. 1, p. 191.

“ tion of public affairs; and that justice shall be admī-  
 “ nistered to them as well as ever it was, without ac-  
 “ cusing or speaking ill of those who had or have the  
 “ government of the kingdom ; and to keep the peo-  
 “ ple in good heart and to excite them to union.—  
 “ Done in Parliament the 8th of March, 1524.”—  
 From this period the necessity was felt of repressing  
 the intolerable abuses of the pretended spiritual pow-  
 er, these public enterprises against the honor of in-  
 dividuals, the public peace, and against the majesty  
 of the prince and of the laws. The crimes of this des-  
 cription have never ceased to be re-acted, and the civil  
 magistrates were far from always proceeding against  
 them with adequate zeal.

After divers decrees passed against the Carmelites,  
 the Cordelieres, and other turbulent preachers, Char-  
 les IX. published in 1661, an ordonnance the first  
 article of which was couched in these terms : “ We  
 “ have also forbidden and do prohibit, even under  
 “ penalty of the gallows, to all preachers to use  
 “ in their sermons or elsewhere, offensive words, or  
 “ words tending to excite people to sedition : we  
 “ have also enjoined them, and do enjoin them to  
 “ keep within bounds and conduct themselves mo-  
 “ destly, and to say nothing but what may tend to  
 “ the instruction and edification of the people, and  
 “ to maintaining them in peace and quietness, under  
 “ the same penalties. And, of the above-mentioned  
 “ circumstances and seditions, we have appointed the



“ sovereign cognizance, to our judges, counsellors,  
 “ and magistrates established in the presidial chairs,  
 “ countries, lands and seignories, each in his own  
 “ jurisdiction respectively.”

The 15th of March, the same king wrote the following letter to the Parliament: “ Trusty and well  
 “ beloved, we have heard that there are some  
 “ preachers of our city of Paris, who cannot keep  
 “ within proper bounds or refrain from mingling in  
 “ their sermons many things both offensive and se-  
 “ ditious, and which can in no way tend to the edifi-  
 “ cation of the people, but rather move and excite  
 “ them to sedition ; and having it certified to us, that  
 “ there are among you those who, although they  
 “ have been hearers of such things, took no thought  
 “ to provide against them ; we cannot conceal from  
 “ you, that with such we are not well pleased, nei-  
 “ ther have they given us much reason to be so ;  
 “ therefore, we command and enjoin you, inasmuch  
 “ as you shall desire to do that which is pleasing to  
 “ us, that you send for, and cause to appear before  
 “ you, all the preachers who are accused of having  
 “ so proceeded in their sermons, by improper, offen-  
 “ sive and seditious words, in order to admonish  
 “ them to abstain from such for the future ; and if,  
 “ after the said admonition and prohibitions, which  
 “ you shall make to them, to do so no more, they  
 “ shall continue so to do, forbid them the pulpit, and,

“ if occasion require, proceed against them as shall appear to you right.”

The 11th of June, 1590, “The court being assembled in the chamber of pleas, in order to go to the procession general of St. Martin at St. Gatian, M. the first president gave it to understand, that yesterday attending the sermon of the curate of St. Saturnine, he heard held forth very seditious propositions ; among others, that the people should be united on behalf of the catholic religion, that the nobles had conspired against the church, and many other discourses calculated to lead away the king’s subjects from their allegiance, and has represented to us, that such preachers alone had stirred up the people of Paris, and led them on to disobedience and rebellion ; that it was needful to stop the course of such pernicious and injurious violence in the city, which has ruined Paris and so many other towns. And, certain masters of requests and counsellors, having attended said summons, and having confirmed what has been represented to us by Mons. the said first president, it has been decreed, that the said curate shall be bodily taken and conveyed to the ‘conciergerie’ and confined there until the court shall otherwise command.”

Henry IV. was obliged to apply himself to repressing the same disorders : this was the object of the letters patent which he gave the 22d of Sept. 1595 : “ Henry by the grace of God, king of France

“ and Navarre, count of Provence and Forcalquier  
 “ and the adjacent territories, to all those who shall  
 “ behold these presents, greeting. Every person  
 “ can clearly perceive, how much the long and per-  
 “ petual wars with which this state has been  
 “ troubled, have carried licentiousness, confusion,  
 “ and all sorts of dissoluteness, depravity, and cor-  
 “ ruption of manners and sound discipline, into all  
 “ orders, states and functions, insomuch, that  
 “ scarcely can a single trace be discovered of the  
 “ ancient virtue and piety which formerly flourished  
 “ in this kingdom; but that which above all is to  
 “ be regretted and deplored is, that this evil has  
 “ penetrated so far as to have obtained a footing  
 “ among those who, holding the first rank and au-  
 “ thority, could and ought to serve as a beacon and  
 “ example to retain others in their duty, to wit,  
 “ the ecclesiastics: the most part of whom, instead  
 “ of following and observing what suits their profes-  
 “ sion, and living with that modesty, simplicity and  
 “ piety which are requisite, and as did their ances-  
 “ tors, have on the contrary opened the door to eve-  
 “ ry unbridled liberty and error, as is too well expe-  
 “ rienced in the evils and scandals which have sprung  
 “ up from it, to the ruin and detriment of the public  
 “ at large; those who are found of this number and  
 “ station, among many abuses by them notoriously  
 “ and openly committed, not having scrupled, or  
 “ made a difficulty of, perverting and applying the

“ word of God to their own passions and unbound-  
 “ ed love of gain, for which they have made frequent  
 “ sermons against the public repose and tranquillity,  
 “ and the authority as well of the deceased king our  
 “ predecessor as of ourselves, advising and inducing  
 “ the common people by their artifices, under the  
 “ pretexts of piety and religion, and provoking them  
 “ by their blasphemies, to revolution and sedition, in  
 “ order to withdraw them from the obedience which  
 “ God and nature command them to render to their  
 “ superiors: a conduct far removed from that truth  
 “ with which they ought to announce his word, and  
 “ apply themselves to his holy service, for the salva-  
 “ tion and edification of all the people, and to bring  
 “ back the erroneous into the right path which they  
 “ ought to follow, by a proper mode and good admo-  
 “ nitions, but whom, on the contrary, they have left  
 “ in their errors in place of holding forth their hand  
 “ to them. And, although many of those who so far  
 “ forgot themselves, having since seen the error they  
 “ have committed, may have wholly withdrawn and  
 “ abstained therefrom, making their sermons confor-  
 “ mable to the word of God and the commandments  
 “ of his church, nevertheless we have been advertised,  
 “ that some becoming obstinate, and blinded by  
 “ the presents and bribes made them on the part of  
 “ those who have to this day supported and paid  
 “ them, yet continue, in many of the provinces of our  
 “ kingdom, licentiously to make use in their sermons

“ of all sorts of outrages, reproaches, and wicked  
 “ and defamatory words, against our authority and  
 “ that of the magistrates, tending to commotions and  
 “ seditions, in place of bringing back and preserving  
 “ each one in the knowledge and fear of God, and  
 “ of those whom he has appointed over them. ....

“ For these causes, and other good and important  
 “ considerations hereto moving us, and in order that  
 “ our intention may be generally known against all  
 “ impostors, we have declared and do declare by  
 “ these presents, that we have always desired and do  
 “ desire, that the word of God may be preached  
 “ and declared in all the provinces, cities, towns  
 “ and parishes of this our kingdom, and in all the pro-  
 “ vinces, lands and lordships of our dominions, by  
 “ all the doctors who shall be called and required so  
 “ to do, even as is usual for the edification and salva-  
 “ tion of the people, with the requisite sincerity and  
 “ sound doctrine, conformable to the holy scriptures,  
 “ and traditions of our holy mother, the Catholic  
 “ Apostolic Roman Church, provided the said doc-  
 “ tors be sufficient and capable, and not of those  
 “ who are violent and officious about what respects  
 “ our authority, the affairs, administration, and civil  
 “ government of our kingdom, those who have  
 “ desired, and still desire, to induce and excite our  
 “ subjects to sedition and revolt, by their apostasies,  
 “ calumnies, and false representations, whether in  
 “ their said sermons, auricular confessions, or other-



“ wise, in whatsoever way it be, to whom, and to all  
 “ others disposed so to act, we expressly prohibit  
 “ the assumption of the pulpit, under pain of being  
 “ despisers of the honor of God, schismatical, and  
 “ abettors of heresy, perverting his express word,  
 “ and as such, of having their tongue pierced, without  
 “ favour or remission, and of being banished for ever  
 “ our kingdom.”

The sixteenth century would furnish us with many other monuments of the serious regard that was paid to a species of attempts, which have, however, been since continued. But it always results from the circumstances which we have just related, that the civil authority, or, as it is termed, the temporal, considered itself authorized, or rather obliged to watch, even in the interior of the churches, the exercise of this spiritual ministry which assumes to itself to be a power. In truth it is sufficient to possess the most simple notions of the social estate to know, that public harangues addressed to popular assemblies may, in several conjunctures, give occasion to crimes which the civil magistrate ought carefully repress.

It is in consequence of the same principles, that the French Government has never permitted the bull, ‘ *In cœna Domini*,’ to be read in the churches. From the year 1536, this bull, of which Paul III. was the first author, was denounced to the chancellor by the king’s servants in the parliament of Paris. The 27th of March they addressed to the chancellor the follow-

ing letter:—" Mons. we have discovered this day a  
 " little book entitled '*Bulla Cænæ Domini*,' glossed  
 " and commented on by Mr. Peter Rebuffi, profes-  
 " sor of statute law of the university of Paris, which  
 " book has been newly printed and exposed to sale  
 " in the said city : in the text of which bull we have  
 " found many marvellously strange clauses, against  
 " the authority of the king and of his courts of par-  
 " liament, producing great scruples in the subjects  
 " and officers of the said lord, as may be better  
 " judged by reading and considering said book, which  
 " we send you, having noted and marked the places  
 " which seemed to us to be of most importance and  
 " which most affect said lord, his courts, officers, coun-  
 " sellors and subjects, and the church of France. As  
 " soon as we beheld the said book at the ' Parquet'  
 " we went to relate the affair to the court, in order  
 " to provide respecting it, as we think it will do ;  
 " and we have required that, before any other trans-  
 " action, the said books might be stopped and seized,  
 " because there was no better way known of pub-  
 " lishing said bull than by printing and exposing it  
 " to public sale, especially at the present time, which  
 " is that of '*cænæ Domini*.' And, because the mat-  
 " ter is of consequence and important, it has seemed  
 " to us, Sir, that independent of the duty which  
 " we have fulfilled to said court, we owe it to you to  
 " apprise you of it, in order that, if you see meet  
 " to acquaint the king with the matter, he may

“ make known to us thereon his good pleasure and  
 “ intention, that we may obey it to the best of our  
 “ power.”

After St. Bartholomew's day of 1572,<sup>(1)</sup> and when the clergy of France abandoned the maxims which had so long honoured them, to devote themselves to the court of Rome, some bishops essayed to publish the bull ‘*In cœnæ Domini.*’ Read what M. de Thou relates on the subject, in the year 1580 :

“ There happened at the same period a circum-  
 “ stance which I cannot pass over in silence, with-  
 “ out failing in what the dignity of the kingdom  
 “ exacts of me. Some bishops published, as it  
 “ were clandestinely, a bull of the pope's. It was  
 “ generally believed, at the instigation of the fac-  
 “ tious, who wished to sound the forbearance of the  
 “ king and of the magistrates, determined also to pro-  
 “ ceed further, if they found an opportunity, when the  
 “ parliament should be dissolved. Some years had  
 “ now elapsed since the pope had assumed to him-  
 “ self, over the Christian princes, a power that  
 “ France has never acknowledged, and pretended  
 “ to a right to excommunicate the magistrates who  
 “ defend the civil authority against the attempts of the  
 “ clergy. There is performed on this account every  
 “ year at Rome, on holy thursday, a public cere-

(1) See Appendix A. A.

“mony, in which the popes cause the decrees to be  
 “read, which they are careful to have subse-  
 “quently distributed throughout Christendom, in  
 “order to make a vain display of their power. It  
 “was one of this description of bulls which they had  
 “introduced into the kingdom. The attorney ge-  
 “neral having brought his complaints before the  
 “‘chamber of vacations,’ established in order to con-  
 “tinue the distribution of justice, especially in cri-  
 “minal affairs, the parliament, with the president  
 “Brisson at its head, opposed itself to the publi-  
 “cation of this bull ; and, imitating the firmness and  
 “the freedom of his ancestors, he passed a decree,  
 “which enjoined all the governors to inform them-  
 “selves, who were the archbishops, bishops and  
 “rectors, who had received either this bull or a co-  
 “py, under the title of ‘*Litteræ processus*,’ and who  
 “it was sent it to them to be published ; to prevent  
 “the publication, if it had not yet taken place, and  
 “to suppress the copies and forward them to the  
 “chamber ; and, in case it was already published,  
 “to cite the archbishops, bishops, or their curates,  
 “to appear before the chamber, and reply to the  
 “suit of the attorney general, and, in the mean time,  
 “to seize their temporal effects or temporalities and  
 “place them in the hands of the king ; to prohibit  
 “the impeding the execution of this decree, under  
 “the penalty of being punished as an enemy to the  
 “state, and as guilty of high treason ; with an order

“ to print this decree, and to give credence to the  
 “ copies, compared by notaries with the original  
 “ itself. The decree is of the 4th of October,  
 “ 1580.”

In reply to the extravagant bulls of Gregory XIII. Henry IV. published, the 4th of July 1591, letters patent, in which he expresses himself thus :  
 “ It is no longer against any but the most ignorant,  
 “ and those whom they wish to associate in the ex-  
 “ pense alone, and not in the profit hoped from it,  
 “ they display their pretensions as they have done  
 “ in the time of the last popes, in order to make  
 “ them pay dearly for the imaginary titles that  
 “ they proffered them of chiefs and superiors in  
 “ this cause. But this their evil intention was  
 “ quickly discovered by the late pope Sixtus, whom  
 “ we have seen lamenting in his latter days that he  
 “ had been so much imposed on by them, and de-  
 “ termined to fulminate against them rigorously, and  
 “ more than he had before done against others at  
 “ their instigation. They have since obtained in  
 “ this dignity a subject more suitable for them, at  
 “ least so far. His too easy credulity, and his too  
 “ violent and precipitate condemnation of those who  
 “ were neither defended nor heard, makes us pre-  
 “ sume that he is rather more partial in this cause  
 “ than the equal and common father of all ought to  
 “ be ; having been informed, on the simple decla-  
 “ ration which was made to him on the part of the



“ said rebels, that we had conspired against the  
 “ catholic religion, and that we rejected all its in-  
 “ struction, he has held us unworthy of it; and, by  
 “ a nuncio and express, he has caused monitions to  
 “ be spread in every city in the kingdom against the  
 “ princes, cardinals and officers of the crown, the  
 “ archbishops, bishops, prelates, and all others, as  
 “ well of the clergy and of the nobility as of the  
 “ ‘ tiers estat’ who are in our service, and who have  
 “ preserved to us that fidelity and obedience which  
 “ they naturally owe us; the said nuncio having en-  
 “ tered into this kingdom without our leave and per-  
 “ mission, neither having given us any intimation of  
 “ his journey or of his business; having on the  
 “ contrary addressed himself to the said enemies,  
 “ and to the said cities which they usurp, in order  
 “ to receive from them his instruction as to what  
 “ they would wish him to do, as being more their  
 “ servant than his who sent him !”

In the same year, the cardinals and other prelates  
 assembled, first at Mantes, afterwards at Chartres,  
 addressed to all the estates, orders, cities and ca-  
 tholic people of the kingdom of France, an instru-  
 ment conceived in these words :

“ The apostle speaking to the pastors of the  
 “ church : “ *Take heed to yourselves,*” said he,  
 “ *and to the whole flock which God has placed you*  
 “ *over, in order to rule and govern his church,*  
 “ *which he has obtained by his blood.*” Which,

“ acknowledging to be our duty, and, not to suffer  
 “ the Christian souls which are under our charge to  
 “ be led away from the laws and commandments of  
 “ God :

“ Being informed that our holy father Gregory  
 “ XIV. at present reigning, badly informed of the  
 “ state of affairs in this kingdom and of our deport-  
 “ ment, has, by the practices and artifices of the  
 “ enemies of this state, been persuaded to send  
 “ some monitories, suspensions, interdicts and ex-  
 “ communications, as well against the prelates and  
 “ ecclesiastics as against the princes, nobles, and the  
 “ people of France, who would not adhere to their  
 “ faction and rebellion :

“ We have assured ourselves, after having con-  
 “ ferred and maturely deliberated upon the matter of  
 “ said bull, by the authority of the Holy Scriptures ;  
 “ the holy decrees ; the general councils ; the  
 “ canonical constitutions, and the examples of the  
 “ holy fathers, of which antiquity is full ; the rights  
 “ and liberties of the Gallican Church, of which  
 “ the bishops our predecessors availed themselves at  
 “ all times, and defended against similar attempts ;  
 “ and from the impossibility of the execution of the  
 “ said bull, from the infinite inconveniencies which  
 “ would follow to the prejudice and ruin of our re-  
 “ ligion :

“ That the said monitories, interdictions, suspen-  
 “ sions and excommunications, are null, as well in

“ form as in matter ; unjust, and suggested by the  
 “ artifices of strangers, enemies to France, and, that  
 “ they cannot bind nor oblige us, nor other French  
 “ catholics, being in subjection to the king :

“ Of which we have judged it to be our duty  
 “ and obligation to inform you, as by these presents  
 “ we do now inform you, without meaning to dimi-  
 “ nish in any way the honour and respect due to  
 “ our holy father, do inform, advertise, signify and  
 “ declare, in order that the weakest among you may  
 “ not be imposed upon, abused, or diverted from  
 “ their duty towards their king and their prelates,  
 “ and to remove in this all scruple of conscience  
 “ from good catholics and faithful Frenchmen :

“ We, reserving to ourselves to represent and  
 “ fully explain to our holy father the justice of our  
 “ cause and our holy intentions, and to satisfy his  
 “ holiness : of which we may promise you the  
 “ same reply that Pope Alexander made, addressing  
 “ these words to the bishop of Ravenna : *We shall*  
 “ *bear patiently, tho’ you do not obey, what shall have*  
 “ *been suggested to us, and to which we might have*  
 “ *been persuaded by evil impressions.*

“ It is commanded all curates or their vicars, to  
 “ publish the present declaration in their sundry dis-  
 “ courses, and to affix it to the door of their churches.  
 “ Signed Charles, cardinal de Bourbon ; Philippes,  
 “ cardinal de Lenoncourt ; Renaud de Beaune,  
 “ archbishop of Bourges ; Philippes du Bec, bishop

“ of Nantes ; Nicholas de Thou, bishop of Chartres ;  
 “ Nicholas Fumee, bishop and count of Beauvais,  
 “ peer of France ; Henry d’Escoubleau, bishop of  
 “ Maillezais ; Claude d’Angennes, bishop of Mans ;  
 “ Cosme Closse, bishop and count of Chalons,  
 “ peer of France ; Rene de Daillon, nominated to  
 “ the bishopric of Bayeux ; Jean Touchard, abbot  
 “ of Belozane ; Jacques Davi du Perron ; Cl. Govin,  
 “ dean of Beauvais.”

The traditions of the Gallican privileges were preserved to the seventeenth century, by the decisions which were passed against the books of Bellarmine, of Mariana, of Suarez and of Santarel, and which we will not transcribe here.

The nuncio having complained of one of these decisions, the first president delivered to the Queen Regent a statement of the motives which had determined the resolution of the parliament.

“ M. the nuncio complains, that the decree which  
 “ condemns the book of cardinal Bellarmine, does  
 “ a great injury to the authority of the pope ; and  
 “ the parliament has adjudged the book of Bellar-  
 “ mine not only to diminish but altogether extinguish  
 “ the authority and power of the king, and to be a  
 “ manifest attempt upon his life. Shall I then, his  
 “ very humble and very faithful servant, be re-  
 “ duced to so deplorable a condition, that, if I behold  
 “ the dagger presented to the bosom of my king, it  
 “ shall not be permitted me to place my hand before

“ it? The principal tendency of this book is to  
 “ give to subjects permission to kill their kings:  
 “ for, in what affects the authority of the king, the  
 “ book establishes the temporal sovereignty of the  
 “ pope over the king and over you Madam! which  
 “ is a false and ridiculous proposition, not tenable,  
 “ and so often rejected and reprov'd by our kings  
 “ and the laws of this kingdom, that I hold those  
 “ who would wish to uphold it guilty of high trea-  
 “ son. The examples taken notice of in the His-  
 “ tory of France are notorious. As a mark of this  
 “ sovereignty he adds, that the pope can ordain  
 “ kings and depose them, and, in case of imbecility  
 “ or levity of mind, appoint to the government of  
 “ their states. If this proposition held, it would be  
 “ necessary for you to resolve, either to leave the  
 “ kingdom, or to ask his permission to remain in it;  
 “ for, if he has power to appoint to the government  
 “ of monarchies because of incapacity proceeding  
 “ from weakness of mind, there is no difference, as  
 “ to reason, in a young prince incapable of governing  
 “ his state from the natural insufficiency of his age,  
 “ during which Madam! you, being regent in  
 “ France, with all power and authority royal and  
 “ sovereign, shall be compelled to abandon his  
 “ affairs, and to quit the kingdom, if you acknow-  
 “ ledge a sovereign over you, and hold the royal  
 “ sceptre by fealty and homage to him. I presume  
 “ this is not your intention.



“ The king has no superior but God, who by his  
 “ hand having placed the crown on his head, he can  
 “ hold it from no other ; and every assertion to the  
 “ contrary is a mere imagination, which will dispense  
 “ with my speaking further on the matter. What  
 “ I represent to you Madam, concerns your interest,  
 “ joined to that of the king ; but you must feel a  
 “ particular interest in it, if you reflect on the period  
 “ in which this book has made its way into the king-  
 “ dom. It was printed many months before the pa-  
 “ ricide of the late king ; the enemies of the happi-  
 “ ness and tranquillity of your subjects have occa-  
 “ sioned its being introduced into your state, on per-  
 “ ceiving their power weakened during your regency,  
 “ so that it is especially an enterprize against you, it  
 “ being very certain that they would never have at-  
 “ tempted it during the life of the great Henry,  
 “ your lord and husband of most happy memory ;  
 “ or, if they had so far forgotten themselves, he  
 “ would have chastised the bearer of it, of whatever  
 “ quality or condition he had been ; or if the pope  
 “ had avowed the publication of it, he would have  
 “ been no less ready to repress his audacity than his  
 “ predecessors, being more brave, greater, and more  
 “ powerful than they ; and would have sent to seize  
 “ the author of the book in Rome itself ; which his  
 “ Holiness would not have dared to prohibit, so  
 “ much was his valour dreaded by all the world.”

The same principles were exposed in 1639, by

Chavigny, secretary of state, in a conference with the nuncio Scoti ; but it must be acknowledged that this nuncio dissembled nothing relative to either the hopes or pretensions of the court of Rome. He said “ that he had learned that four or five bishops “ had collected together, and that they had proposed among them to form a National Council ; but “ that he laughed at that, that he had heart and spirit to uphold the interests of the pope, and that “ should they come to extremities, *the pope would put down the king.*”

Since 1660, the affair of the duke de Crequi, that of the Regale, the Four Articles of 1682, the bull *Vineam Domini*, the bull *Unigenitus*, the legend of Gregory VII. the expulsion of the Jesuits, have successively furnished to the parliaments of France, to the universities, to the clergy themselves, opportunities to advocate the independence of the civil authority, and to trace the bounds of the spiritual pre-eminence of the bishop of Rome. On all these occasions, they have demanded back or regretted the pragmatic sanction of 1439, and have demonstrated, that the maxims of the Gallican church were those of the whole church, to the end of the eighth century, that is, up to the fabrication of the ‘ false decretals.’ The acts, decrees, and the public memoirs published on this subject, in the reigns of Louis XIV. and Louis XV. are too recent, and too numerous, that it should be necessary for us to reproduce them here.

It is abundantly proved by all the preceding documents, that the Church of France has never ceased to oppose to the enterprizes of the popes, the precepts of the Gospel, the laws of the first ages of Christianity, the evidence of reason, and the experience of history.

Here behold what many bishops, formerly French, wrote in 1802 to the present pope, men who, even in renouncing their country by the most condemnable obstinacy, and separating themselves for ever from the Gallican church, yet could not refrain from avowing its principles. “ Jesus Christ, say they, in founding his church, chose from his apostles him who was to be its head ; and by a prodigy of his power, the succession of its pontiffs has been perpetuated even to your Holiness. But, he did not say to St. Peter: *You shall govern the church as I govern it myself; my power shall be yours, and my infallibility shall be your lot.*” He only promised these gifts to the church, united in the persons of its pastors. He did not say to him, *The gates of hell shall not prevail against you,* but he promised him that they should not prevail against *the Church*; and, in order to add example to precept, in assuring the infallibility of the church, he permitted St. Peter to feel all the weakness of humanity before Caiphas. The apostles developed the doctrine of the sovereign master,

“ and St. Paul demonstrated to the church, that the  
 “ bishops were established by the Holy Spirit for  
 “ the purpose of governing the church of God. The  
 “ œcumenical councils all recognised this funda-  
 “ mental truth.....St. Peter governed the church in  
 “ submitting to the laws : when he thought he had  
 “ power to depart from them, Paul resisted him  
 “ in referring to the law, and Saint Peter sub-  
 “ mitted.” (1)

(1) Reply of some French bishops to the brief of the 15th  
 of August, 1801.—London, 1802.—Deposited in the archives  
 of the empire.

## EXPOSAL OF THE CONDUCT OF THE COURT OF ROME, SINCE THE YEAR 1800.

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IT remains for us to shew, that even since the year 1800, and in defiance of the lustre of the information spread by the court of France upon all questions relative to the papacy, the court of Rome has redoubled its efforts to resume over kings and bishops all the power and authority which the popes of the middle ages had usurped.

Pius VII. elected the 14th of March, 1800, did not enter Rome until the end of June, after the battle of Marengo : it was the conqueror who established the new pontiff in the apostolic chair. Shortly after a concordat was negotiated between France and Rome ; in the month of April 1802, this concordat was published, became law, and restored the religious establishments in the French empire. Pius VII. appeared at first sensible of the value of so many benefits ; his letters, his public speeches, expressed in a lively manner his gratitude : he declared, as we have already said, that next to God, he owed all to the hero who governed France. <sup>(1)</sup>

(1) See Appendix B. B.



However, towards the end of the year 1803, the court of Rome complained of the organic laws, published with the concordat of 1802; and it imports us to know what were the subjects of these first and tardy ‘reclamations.’

1. It complained of the order which required the express authority of government for the publication of bulls; it dared to require that these bulls might have of themselves the force of law. This was combatting more openly than ever one of the ancient maxims of the Gallican Church, asserted at all periods, proclaimed by Louis XI. cherished by Francis I. recognized by Leo X. invoked by Bignon and by Aguesseau, taught by all the French civilians from Pithou to Hericourt,<sup>(1)</sup> observed in France, even as respects doctrinal bulls, and incapable of suffering any restrictions, but as far as respects penitentiary briefs, which are not susceptible of any publicity.<sup>(2)</sup>

2. The pope protested against the organic article which declared, that without the authority of government, no legate, nuncio, or delegate of the Holy See, should exercise any authority in France; an article drawn nevertheless from the soundest maxims of public law, from the constant usage of

(1) Appendix C. C.

(2) We must observe, that this exception, if it be one, was expressly stated the 6th of Jan. 1804, by the minister of worship, in a letter to the legate of the Holy See.

the Gallican Church, and from the 11, 12, 58, 59, and 60th articles of Pithou. <sup>(1)</sup>

3. His Holiness exclaimed against one article expressed thus : “ The decrees of foreign synods, “ even those of general councils, cannot be published “ in France before the government shall have examined their form, and ascertained their conformity “ with the laws, rights and franchises of the state, “ and whatever could by publication or interest affect the public tranquillity.”

It is the maxim which Pithou has thus expressed : “ The general councils are not received or published “ in France but by permission and authority of the “ king.” Besides, no person can be ignorant, that in 1576, 1588, and 1614, the States general opposed the publication of the council of Trent, and that at several periods the popes vainly demanded it of the sovereign, whose consent was recognized as necessary by the fact of the applications.

4. His Holiness required the abrogation of the article which permitted recourse to be had to the council of state, in the case of abuse of the ecclesiastical jurisdiction. It was replied, that an appeal, as of abuse, was one of the most established points of our ancient jurisprudence, and that neither the pope nor the bishops had ever obtained from our kings a rigorous determination of the causes in which

(1) Appendix D. D.

recourse may be had to this remedy. The compilers of the ordonnance of 1667 have declared, “ that there was nothing more opposed to the laws  
 “ of the kingdom than to limit appellations, as of  
 “ abuse, to particular cases; that the clergy having  
 “ often demanded it, it was always relied to them,  
 “ that these matters could not be otherwise specified  
 “ than that whatsoever was contrary to the liberties  
 “ of the Gallican Church, to the holy canons received  
 “ in France, to the laws of the kingdom and the authority of the king, were mediums of abuses; that  
 “ the general rules embraced every thing; but that,  
 “ if they went to descend into detail, they would  
 “ act contrary to the opinions of all the great authorities who had treated of the subject, and that,  
 “ in specifying particular cases, an open would be  
 “ given to the clergy to argue, that an infinity of  
 “ cases which are of daily occurrence, and which  
 “ imperiously require the interposition of the royal  
 “ authority, were not comprised therein.” The cases of abuse cannot therefore be more defined than they are in the organic law of 1802, which notices “ the  
 “ usurpation or the improper use of power, the contravention of the laws and regulations of the state,  
 “ the infraction of the rules, consecrated by the  
 “ canons received in France, the attempts against  
 “ the liberties, franchises, and customs of the Gallican  
 “ Church, and every undertaking or proceeding  
 “ which, in the exercise of public worship, may

“compromise the honor of the citizens, arbitrarily  
 “interfere with their consciences, or degenerate  
 “against them into oppression, wrong, or public  
 “scandal.” It was nearly in the same terms Pithou  
 had drawn up the 79th article of our liberties.  
 “Fourthly, by certain appeals as of abuse, which  
 “our ancestors explained to be, when there is an as-  
 “sumption of authority, or an attack upon the holy  
 “decrees and canons received in this kingdom ; on  
 “the rights, franchises, liberties and privileges of the  
 “Gallican Church ; the concordats, edicts, and  
 “ordinances of the king, arrets of Parliament, in  
 “short, not only against whatever is of divine, com-  
 “mon, or natural right, but also against the pre-  
 “rogatives of this kingdom and of its church.”

5. The court of Rome disapproved also of the articles which declared, that the catholic worship should be exercised under the direction of the archbishops, bishops and curates, and that every privilege conferring exemption or attribution of episcopal authority should remain abolished. The pope wished to be universal bishop, the direct pastor of every diocese and every parish. He was not afraid to propose the re-establishment of these privileges, of these injurious exemptions which have been, according to Fleury,<sup>(1)</sup> but a source of division in the church.

(1) See Appendix. E. E.

6. The holy father maintained that, no monastic order could have been suppressed in France without the concurrence of the Holy See, and he opposed this incomprehensible pretension to the article which pronounces the establishments of this description forever abolished in the French empire. That it may belong to the ecclesiastical power to institute a religious order *in the Church*, such opinion may be supported : but surely it is by the temporal authority, and by it alone, that such order can exist in the State ; and, if it could be supported in defiance thereof, the state itself must truly cease to exist. Furthermore, the article in question rather states a circumstance than a legislative enactment, since monastic orders had been, for ten years past, extinct in France.

Finally, Pius VII. opposed with all his powers the teaching of the Four Articles of 1682, ordered by one of the enactments of the organic law of the concordat ; and this last ‘reclamation’ was that which was most earnestly insisted on in the name of the holy father : he renewed it himself on every occasion, when circumstances seemed to favour the abolition or discrediting of these Four Articles.

During his stay at Paris, he particularly solicited two things : the re-union of Romagna with the States of the Holy See, and the retraction of the Maxims proclaimed by the Clergy of France in 1682. In order to obtain this second point, he was provided with the letter written by



Louis XIV. in 1693 to Innocent XII,<sup>(1)</sup> and he seemed not to doubt at all of success. He hoped that in re-entering Rome he could proclaim himself the legislator of the Gallican Church, the only and infallible oracle of the church universal, the superior of councils, and the sovereign of kings. For, such were the titles which the declaration of 1682 denied him : he wished to have it abrogated in order to re-assume them.

Not having obtained either Romagna, or the abolition of the Four Articles, the pope consoled himself by a public protestation against the support of these maxims. On returning to Rome, he pronounced on the 26th of June a speech, in which, after having rendered to the Emperor of the French his merited acknowledgments,<sup>(2)</sup> he ran into a digression altogether remote from the subject of his discourse, but which contained, in a flimsy envelope, a positive condemnation of the doctrines of 1682. In fine, he bestowed a long eulogy on the pretended amendment of a bishop who had submitted, as said the pope, not only to the decrees which emanated from the Apostolic See, against the errors of Baius, of Jansenius and of Quesnel,<sup>(3)</sup> but, above all, to the dogmatic bull ‘*Auctorem Fidei*,’ which condemned eighty-five propositions of the council of Pistoia. His holiness particularly praised

1) Pages 137, 138. (2) Appendix. F F. 3, Appendix. G. G

this bishop, because he disapproved all the propositions, and each of them under the qualifications and in the sense expressed by said bull. <sup>(1)</sup>

Now, it is known that one of the condemnations contained in the bull ‘Auctorem Fidei,’ is levelled at the approbation given by the council of Pistoia to the Four Articles of the French clergy. <sup>(2)</sup> It was thus that confirming in all its terror a decree of Pius VI. without an explication of its details, Pius VII. proscribed, at his ease, the maxims of this Gallican Church, in the bosom of which he had just experienced so honorable a reception. We may here remark a specimen of the artifices familiar to the court of Rome: *ab uno disce omnes*.

What shall we say, was it indeed possible that this court, in 1805, dreamed still of replacing all sovereigns and churches under its authority, in omnimoda subjectione? If it dreamed to do so, we shall learn it from itself; we shall see in the instructions it conveyed to its nuncios, what it thought of its *rights*, and of the *very holy maxims* of Hildebrand.

There are some ecclesiastical possessions in Germany, given as indemnities to protestant princes, which the Holy See did not wish should be disposed of without its authority, and of which, in particular, it could not bear they should make such an appli-

(1) See Appendix. H. H. (2) See pages 154, 155 and 156.

cation. It was the subject of many writings expedited from Rome in 1803, 1804, and 1805, and particularly of instructions to the nuncio resident at Vienna, in which, among other very strange details,<sup>(1)</sup> we read what follows :

“ The church has not only endeavoured to prevent heretics from possessing themselves of the ecclesiastical possessions, but she has besides decreed, under pain of the crime of heresy, the confiscation and loss of the property of those who render themselves guilty. This punishment is decreed, as to what respects the possessions of individuals, by a bull of Innocent III. and as respects principalities and fiefs, it is one of the rules of the canon law, chap. Absolutos 16, de Hæreticis, that the subjects of an heretical prince became freed from all allegiance to him, dispensed from all fidelity, from all homage. Little as we may be versed in history, we cannot be ignorant of the sentences of deposition pronounced by the pontiffs, and by the councils against princes who obstinately persisted in heresy. In truth, we are fallen upon times so calamitous, and of such great humiliation for the spouse of Jesus Christ, that it is not possible for her to practice nor expedient to revive such ‘ holy maxims,’ and she is compelled to suspend the execution

(1) See Appendix I. I.

“ of her ‘just severity’ against the enemies of the  
 “ faith. But if she cannot exercise her right to  
 “ dispose of their principalities, and to declare the  
 “ partisans of heresy deprived of their possessions,  
 “ could she ever permit that, to enrich them, she  
 “ should be spoiled of her own domains....What a  
 “ matter for derision would she not offer to the  
 “ heretics themselves, and to infidels, who, in  
 “ mocking her affliction, would say, that they  
 “ at least had found the means of rendering her  
 “ tolerant !” (1)

“ Such then, in 1805, were the conduct and the principles of the court of Rome : she does not publish a new bull against the court of France ; but she confirms a bull of 1794, in which they are anathematized : she does not proclaim *a right* to depose sovereigns, to strip them of their possessions, to free the people from their allegiance : yet, far from renouncing these powers, she cherishes the remembrance of them, and laments the conjunctures which forbid for awhile their application. Let different conjunctures present themselves, and you shall see what she will do to place herself secure from every suspicion of tolerance.

This year 1805 is extremely memorable in the history of the pontificate of Pius VII. It was then, that, in order to revenge himself for the refusal

(1) See Appendix K. K.

given to him in France abrogate the Four Articles, he refused in his turn to fortify his citadel of Ancona, and to place an obstacle in the way of the invasions of the English and Neapolitans. It mattered little to him, that his own states should become the theatre of war : we were forced to defend them in spite of him ; and when we protected them, respecting his interior administration of them, he complained as though we had invaded them. He receives the agents of England and of Naples ; he permits the minister Aston, the most bitter enemy of France, to establish at Rome the centre of his intrigues ; he confides to the murderer of Duphot the police of the city, and levies on the Romans extraordinary imposts, which he represents as occasioned by the residence of the French army, while, in fact, all the expenses of this army were defrayed by the imperial treasury.

In vain, at divers times, the French government has been ready to secure to Pius VII. the preservation of his states, if he consented to contribute to the general security of Italy, in closing his ports to the English : his obstinate refusals disconcerted the system of kindness, which it had determined to pursue in respect to him. His ingratitude has been displayed in many documents signed by him, and particularly in a long letter, written entirely with his own hand, and addressed, the 30th of August 1806, to Cardinal Caprara. Already he had ceased to re-



member, that it was ‘ after God’ to the emperor of the French he owed his chief gratitude. For the rest, he knew so little of the situation of European affairs, that he feared not to claim over the kingdom of Naples the rights of sovereignty ; at this price, he had not hesitated to recognize the new king of the Two Sicilies : but he pretended that he alone could decree this crown, and that to him homage must be done for it ; in a word, he consented to take for his vassal the brother of the most powerful sovereign in the world. There is the kingdom of Naples, said he, and I will give it to you if you become my servant : *Tibi dabo si, cadens adoraveris me.*

The new efforts which were made in 1807, in order to remove such blindness, produced only the journey of the cardinal de Bayane, from Rome to Paris. He came in quality of a negociator, and, one had reason to suppose, invested with full powers. But, after useless conferences, it was too evident he had not authority to conclude any thing, and that his mission had no other end than to gain time, that is to say, to waste it. Far from giving to the cardinal de Bayane sufficient powers, the holy father recalled those which cardinal Caprara exercised in France in quality of legate a latere. The French bishops, who until then had obtained ready replies from the legate, saw themselves obliged to keep up a direct correspondence with the court of Rome, the tediousness of which produced, in the

spiritual administration of the dioceses, a train of inconveniences and embarrassments. The question related particularly to the power of granting certain dispensations, a power without doubt inherent in the episcopacy, and which the bishops of the first ages had immediately exercised, but which, in the midst of the darkness of the middle ages, the court of Rome had found the secret of reserving to herself.—Unhappily these difficulties had not been foreseen in the concordat of 1802 ; and even in 1807, during the legation of cardinal Caprara, they had not been felt. When, however, there was no longer a legate, the bishops addressed themselves to the pope, and demanded of him powers as extended as circumstances required ; they supplicated him not to refuse them the power of adequately fulfilling their duties. It was the subject at Rome, of numerous discussions, of consultations and tedious writings, which could have had nothing in them surprising to us in the thirteenth century, but which seem altogether irreconcilable with the information of the nineteenth. The only article worthy of observation in the midst of this stuff is that which relates to marriages. We here behold the obstinacy of the court of Rome, in regarding as null the civil contract, published by the magistrate conformable to the provisions of the code Napoleon ; and in pretending, that no real or valid marriage can exist

without the intervention of a priest, a folly disowned alike by sound theology and by plain good sense.

Notwithstanding, in proportion as the code Napoleon was introducing into the different countries of Europe, the court of Rome dispatched every where pretended instructions, which presented only the developement of the antisocial and immoral doctrine which has been spoken of. Here are some specimens of the 'instruction' destined in 1808, for Poland, where, by a public decree, they had reconciled the execution of the civil law with the sacramental benediction of the married :

(1) " Such a transaction, proposed by a catholic  
 " prelate to a royal minister on so sacred a subject,  
 " considered in its principles, in its consequences, in  
 " all its tenor, leads directly to the result which modern  
 " sectaries propose to themselves, to wit, to  
 " cause the catholics, their bishops, the pope himself  
 " to avow, that the power to govern men is indivi-  
 " sible. .... On the part of a catholic bishop,  
 " to recognize in catholic marriages the publications  
 " of the civil powers, civil contracts, civil divorces,  
 " civil decisions prescribed by a civil law, is to grant  
 " to the prince a power over the ecclesiastical disci-  
 " pline : it is to admit that he can alter the rites, de-  
 " rogate from the canons, violate ecclesiastical liberty

(1) See Appendix L. L.

“ and disturb consciences ; that he has, consequent-  
 “ ly, an absolute authority over things and causes  
 “ purely ecclesiastical, essentially privileged by and  
 “ dependent on the power of the keys : that is to  
 “ say, that he can put his hand to the censer and  
 “ cause his laws to prevail over those of the church.  
 “ .... Either it was necessary to dissemble and toler-  
 “ ate a license imposed by an irresistible force, or, if  
 “ desirous of arguing on, and entering into the mat-  
 “ ter, it was necessary that the bishop should make  
 “ known to the king’s minister, that the provisions of  
 “ the code, relative to marriage, could be applied to  
 “ catholic marriages in a catholic country. ....  
 “ If we peruse the history of nations, we will not  
 “ find there a single instance of a catholic prince im-  
 “ posing on his subjects, or suffering to be imposed  
 “ upon them, the obligation to publish and declare  
 “ their marriage in the commune, or to discuss the  
 “ authority or validity of it before a justice of the peace.  
 “ A wide field would be opened to the bishop to de-  
 “ monstrate to the royal minister, that in a country  
 “ where the catholic religion is that of the state, in a  
 “ country governed by a catholic prince, the laws of  
 “ the code relative to marriage cannot be applied to  
 “ catholics, without great scandal, neither can the  
 “ observation of them be exacted from them ; that it  
 “ would be an unheard of attempt, an open insur-  
 “ rection against the laws of the church, a novelty  
 “ leading to error and schism. .... If these

“ pastoral remonstrances proved useless, it would  
 “ only then remain for the bishops to resign their  
 “ cause into the hands of God and of the church,  
 “ and to instruct faithfully the flock confided to  
 “ their care.....

“ Firstly, That it is not a marriage, if it is not  
 “ contracted in the forms which the church has  
 “ established to render it valid: 2dly, That the  
 “ marriage once contracted, according to the forms  
 “ established by the church, no power on earth can  
 “ break the tie: 3dly, That it remains indissoluble  
 “ even in case of adultery and all the inconveniences  
 “ of cohabitation: 4thly, That, in the case of  
 “ doubtful marriage, it belongs to the church alone  
 “ to judge of its validity or invalidity, in such sort  
 “ that every judgment derived from any other  
 “ power whatever is incompetent and incapable to  
 “ authorise a divorce and render it lawful: 5thly,  
 “ That a marriage to which no canonical hindrance  
 “ is opposed is good, valid, and consequently indis-  
 “ soluble, whatever may be the bar which the  
 “ laical power unduly opposes to it without the  
 “ consent and approbation of the universal church,  
 “ or of its supreme head the Roman pontiff: 6thly,  
 “ That, on the contrary, every marriage contracted  
 “ in defiance of a canonical hindrance and absolute  
 “ disqualification, improperly abrogated by the sove-  
 “ reign, ought to be held as void and altogether a  
 “ nullity ; and that every catholic ought in con-



“ science to consider such marriage null, until it  
 “ shall be rendered valid by a legitimate dispensa-  
 “ tion granted by the church, provided that the hin-  
 “ drance which renders it null be susceptible of a  
 “ dispensation.”

The bishop of Warsaw said that the provisions of the Code Napoleon, relative to marriages, presented no difficulties ; that they ordained nothing contrary to the laws of God or of the church, and that consequently every person was bound to conform himself to them. <sup>(1)</sup> To this judicious observation the court of Rome replied in these words :

(2) “ What ! it is not an article opposed to the  
 “ laws of God and of the church which declares,  
 “ that those divorced cannot be re-united, and which  
 “ comprises in the number of the divorced those  
 “ the very divorce of whom offends the laws of the  
 “ church and of God ! It is not a provision contrary  
 “ to the laws of God and of the church, that which  
 “ authorises the marriage of a young man under  
 “ sixteen, and of a girl under fifteen years of age,  
 “ even exclusive of those extraordinary cases in  
 “ which the marriage could become, for persons of  
 “ this age, a necessary remedy and an indispensable  
 “ obligation ! It is not a maxim opposed to the  
 “ laws of the church and of God, that which re-  
 “ serves to the government the power of dispensing

(1) See Appendix M. M.

(2) See Appendix N. N.

“ with the absolute obstacle resulting from the affinity of the second to the first degree ! And to say all in one, it is not to offend God and the church, to make laws which subvert ecclesiastical discipline in so tender a matter !”

The court of Rome subsequently declares that it is an error to regard marriage as a civil contract, especially, since under the evangelical law it has been elevated to the dignity of a sacrament, and has thereby become a sacred thing, and independent, as to both its nature and validity, of profane laws. ... .... And it is so true, adds the court of Rome, it is so true, that the nature, the validity of marriage, especially under the evangelical law, is independent of any contract established by the civil law, that the council of Trent has declared null, both as respects the sacrament and as respects the contract, every marriage contracted without the solemn forms which it prescribes : which the council could not have done, if the marriage included in its nature two contracts so distinct as is pretended, two contracts which would depend on two distinct powers, the one a civil one and dependent on the civil laws for its validity, the other religious and dependent on the laws of the church.”<sup>(1)</sup>

The compiler of this ultramontane document

(1) See Appendix O. O.

knows not in what consists the rational doctrine against which he declaims ; for it is not at all pretended that there are two contracts in marriage ; there is but one alone, and which is not, and can never be other than a civil contract. The sacramental benediction which the married go to receive in church, is not to affect a contract ; it contributes like all the other sacraments to the sanctification of those who are worthy of receiving it. It cannot be too often repeated also, that the decrees of discipline which emanated from the council of Trent have never had the force of laws in France, and that one of the principal motives which existed for not permitting their publication, consisted in the impossibility of authorising the legislation of this council relative to marriages. For example, it declares valid the marriages of infants, minors, without the knowledge of their parents, a regulation which cannot be admitted into a state wisely governed. On this subject the question reduces itself to the consideration, whether, because the nuptial benediction is a sacrament, sovereigns ought to abandon to priests all the portion of civil jurisprudence which concerns marriage.

We shall not be at all surprised, that a court which, in 1808, continued in such palpable errors, should cease to continue among the number of European Governments. In vain was the pope advertised, that in refusing to enter into the combination against England, he would occasion certain parts of

the pontifical states to be united to the kingdom of Italy or the empire of France ; he replied, that being the common father of all the faithful, he could not declare against the English, and that in his quality as successor of the prince of the apostles he had received from God a sovereign power over all parts of the terrestrial globe. It became, therefore, indispensably necessary to take possession of the territories of Urbino, Ancona, Macerata and Camerino, which, since the month of April 1808, make in effect a part of the kingdom of Italy. Pius VII. published a protest, in which, taking the title of pastor of the universal church,<sup>(1)</sup> he maintained, as a notorious fact, that even before the reign of Pepin, these domains had appertained to the church of Rome, and that the father of Charlemagne had only restored them to the sovereign pontiff.<sup>(2)</sup> We shall not recite even a fragment of the secret instructions addressed by Pius VII. to the bishops, the 22d and 29th of May ; the warm resentment which dictated must serve to excuse the inconsiderate and unchristian-like expressions which are met with at every line ; one may well believe such writings were penned without premeditation.

But it was at this period the holy father adopted a resolution, from which he has not deviated, to abuse his episcopal function in order to support his temporal pretensions.

(1) See Appendix P. P.

(2) See Appendix Q. Q.

It was the practice to attach to each bull of canonical investiture a bull directed to the sovereign, imploring his protection on behalf of the new prelate. Pius VII. who until now had conformed to this custom, dispensed with it in the month of July 1808, in investing a bishop of Troyes ; but his majesty, superior to so puerile an insult, suffered no notice to be taken of this pontifical incivility, and directed the bishop to be put in possession.

A decree of the 21st of November, 1808, having created the department of Tarn and Garonne, and appointed Montauban for its capital, it was proposed to erect it into a bishoprick, to which erection his Holiness was solicited to put his hand. What did the pope do ? He publishes a bull in which, of his own motion, from the plenitude of his apostolic power, having seen the request of the inhabitants and the consent of the bishops of Toulouse, Cahors, and Agen, and not in consequence of the imperial decree, he created in the empire a new bishopric, repeating seven times, that it was he who erected it, ‘*per nos, ut præfertur, erecta,*’ and citing we know not what decretal of Boniface VIII. whom he termed his predecessor of happy memory ‘*felicis recordationis.*’ The indecency of some fretful expressions, which filled the first lines of this bull, had been easily pardoned ; but it was in itself too irreconcilable with the maxims of the church of France, for the publication of it to be tolerated.



Every one knows, that according to the articles 4 and 5 of the concordat of 1802, the pope was never to give canonical investitures, but in consequence of nominations made by the emperor : thus, even in 1808, these nominations had always been mentioned in the bulls of investiture. But the 13th of April, 1809, the holy father expedited, for the archbishop of Malines, a bull, which, as it did not make such mention, seemed rather to nominate than invest this metropolitan. His Majesty, whom war and victory occupied in Germany, was there informed of this novel attempt ; and, to cut short such contemptible squabbles, declared, by a note dated from the camp of Schonbrunn, that he was satisfied not to be even named in the bulls of investiture, on condition, that in future the demand of these bulls should be signed by his minister only and not by himself. It is afflicting to think that this extreme moderation of a victorious sovereign seemed only to embolden the court of Rome in its system of discord and usurpation : but the holy father notwithstanding did not seize this opportunity of increasing his prerogative, this unhopèd for occasion of escaping from an unequal contest ; and since this period, in spite of the solicitations of many cardinals, and of twenty prelates, he has obstinately continued to refuse canonical investiture to all the newly nominated bishops in France. Already, for many years past, he has acted in the same manner with

regard to Germany, where he has nearly succeeded in extinguishing episcopacy : because they have ceded some possessions, once ecclesiastical, to Protestant princes, whom it was necessary to indemnify, he wishes the catholic churches to remain deprived of their pastors ; a strange manner of revenging one's self for a pope.

When such was the political conduct of Pius VII. together with his connivance with the enemies of Italy ; when he abused to such a degree his spiritual authority ; it became impossible for the emperor longer to prohibit the French army from entering the city of Rome. In consenting to this measure, in the month of May 1809, his majesty omitted nothing that could tend to secure and even increase the revenues of the Holy See : it depended on the pope alone to continue to be the first pastor of the church, and even one of the temporal princes of Europe. But the pope immediately assumed the attitude of a dispossessed sovereign ; he caused the avenues of his palace to be barricadoed, and revoked himself all the civil powers, which the magistrates appointed by him exercised in his name. Apparently, he desired not only to dispense them from the maintenance of public tranquillity, but even to excite them to disturb it.

Of all the circumstances of this period, the least important in every respect, is a bull of the 10th of June, by which the holy father pretended to exclude

the subjects of his majesty from the bosom of the catholic church, over which he would no longer preside. Europe has not condescended to pay the least attention to this anathema; and it has not been noticed even in Rome, where, however, some seditious persons took the trouble to affix it to the doors of the three principal churches. It appears that the bull of the 10th of June would have been solemnly proclaimed on the 29th, the day sacred to St. Peter, if the project had not been discovered, and if the respect due to the prince of the apostles and the august temple which bears his name had not prevented so scandalous a ceremony. Much more serious attempts were however made, and there was not time to await the orders of his majesty, in order to arrest their progress. The pope left Rome the 6th of July, and went to Savona, where he was received with all the magnificence a prince could claim; for such he still was, and no person but himself had condemned him no longer to fulfil its functions.

However, it was not proper that the nominations made by the emperor conformable to the concordat, should remain without effect. He might, as formerly under Henry III. under Henry IV. even under Louis XIII. have immediately put in possession the prelates whom the pope so long deferred to invest: he preferred, as under Louis XIV. to permit them to govern their dioceses with the title of vicars

general, or of administrators named by the chapters. Innocent XI. Alexander VIII. and Innocent XII. had tacitly approved of this provisionary arrangement, of which the king alone, in fact, would have had a right to complain, as it seemed to derogate from the royal prerogative.

Truth obliges us to avow that the chapters are modern establishments, the rights of which ascend up to the middle ages only ; but the Court of Rome itself invokes and recommends the ecclesiastical rules, which in the course of the latter ages, have established, maintained, and extended the jurisdiction of the cathedral chapters. We might, then, have expected that Pius VII. after the example of his predecessors, would have refrained from all claims hostile to the conciliating system which the Emperor had condescended to accede to. We were again disappointed in this hope ; and it remains for us to relate, how the cardinal di Pietro, the oracle of the pope, endeavoured, during the whole of the year 1810, to disturb the repose of the churches of the empire. Secret powers, to be exercised in Rome, had been entrusted to this cardinal, who, in departing from this city, transferred them to Gregory and to Sala, who misapplied them like himself. It was by the care of these three persons and their correspondents, that a collection of libels and of falsehoods was printed in Italy, and reprinted at Lyons, and distributed in the dark to some credulous readers. But the

manœuvres of the cardinal became more and more active after the *senatus consultum* of the 17th of Feb. 1810, which, fulfilling the wishes of Italy, of Europe, and of the church, finally abolished the temporal power of the Roman pontiff.

This *senatus consultum* abolished only disorders and scandals : in delivering the popes from terrestrial cares, which the Gospel had interdicted them, it fully preserved to them the means of being venerable pontiffs, and of filling with splendour the chair of that first apostle, who reigned not, nor thought of reigning, and whose successors during eight centuries, had not been princes of this world. But Pius VII. wished so to be, the cardinal di Pietro wished him the same, and it seemed to them that the most efficacious means of recovering this throne was, to produce a schism in the bosom of the Gallican church, or at least to inspire the Government with apprehensions of such an event.

This enterprize not only did not succeed, but the effects of so many measures did not begin to be perceivable until the end of the year 1810, after the nomination of a new archbishop of Paris. Invested by the chapter with the same powers which had been previously conferred on S. A. E. cardinal Fesch the new metropolitan received an epistle from the pope which declared them null, and which implied even that cardinal Fesch had acknowledged their insufficiency ; on which matter the holy father has since



profound ignorance of ecclesiastical history, it proclaimed such a contempt of all propriety and of all laws, it was so grossly seditious, that its publication had been much more useless than dangerous. The author stated in direct terms, ‘that it was commanded him to disturb the peace of his fellow citizens;’ and to realize this edifying mission, he gives as far as in him lies the signal of schism, by declaring schismatics, both the bishop named by the Emperor, the chapters which received them, and whoever acknowledged in them any spiritual authority.

The cardinal di Pietro resided at Semur; it was from thence he expedited his orders, as well to Savona, as to the west and the north of France. His emissaries exhausted themselves in vain endeavour to organize everywhere a sect of pretended *pure Catholics*,<sup>(1)</sup> who were to withdraw themselves from the authority of the bishops and capitulary administrators, and listen to none but the apostolic vicars. But so many commotions tended only to disturb the minds of some idle or neglected females, and of some young seminarists. The influence of the cardinal di Pietro was not in the slightest degree perceptible, save in a small number of disreputable boarding houses.

We omit many other wretched details, which

(1) Appendix S. S.

would be altogether unworthy of the public attention : those on which we have entered suffice to demonstrate what we advanced, to wit, that since the year 1800 down to the end of 1810, the maxims of the court of Rome have not ceased to be those of Gregory VII. of Innocent III. and of Boniface VIII. of ‘ *blessed memory*.’ This indeed is the conclusion which results from the ‘reclamations,’ against the organic law of the concordat, against the maxims of the Gallican Church, above all, against the four articles of 1682 ; from the actual renewal of all the anathemas launched against these same articles ; from the instructions relative to the possessions ceded in Germany to the Protestant princes ; from the instructions concerning marriages, and which reprobate the Napoleon code ; from the writing, in which Pius VII. maintains, that even before the time of Pepin there existed a court of Rome, which had domains and subjects ; from the bull, in which he creates, of his own proper authority, a bishoprick in France ; from the canonical investitures granted to French bishops, without any mention of their nomination by the emperor ; from the bull of excommunication of 10th of June 1809 ; finally, from the briefs digested by the cardinal di Pietro, for the purpose of substituting vicars apostolic in place of the legitimate pastors. What language do all these documents speak, if not, that the pope can dispossess and depose kings, annul civil laws, subvert the rules

of the church, and govern directly, or cause to be governed at his will, each particular diocese; that he is, that he ought to be, not only a temporal prince, but the dictator and sovereign of all princes, and the universal bishop of all Christendom? Yes! if the twenty-seven propositions of Hildebrand were for ever lost,<sup>(1)</sup> they would all be found safe in the acts of Pius VII. ! and this circumstance has nothing in it astonishing to those who have studied the history of the court of Rome. This court, as long as it shall exist, will have no other maxims; she can hardly dissemble with respect to them at the times even which most peculiarly claim this circumspection: and she will yet be seen to take advantage of all the circumstances which may permit her, to support them by thundering anathemas, wars, revolutions, and unlimited proscriptions. The only efficacious guarantees, against this species of public calamities, consist, in the absolute extinction of the temporal sovereignty of the popes, and in the strict limitation of their spiritual authority, to a conformity with the rules, practice and doctrine, of the seven first centuries of the church.

(1) See pages 77, 78.

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## APPENDIX.

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## APPENDIX to Vol. I.

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### NOTE A, PAGE 266.

Sanctitas tua probè noverat principium horum malorum inde fuisse, quòd nonnulli pontifices tui prædecessores, prurientes auribus, ut inquit apostolus Paulus, coacervaverunt magistros ad desideria sua, non ut ab iis discerent quod facere deberent, sed eorum studio et calliditate inveniretur ratio quâ liceret id quod liberet. Inde effectum est, præterquàm quòd principatum omnem sequitur adulatio, ut umbra corpus, difficillimusque semper fuit aditus veritatis ad aures principum, quòd confestim prodirent doctores qui docerent pontificem esse dominum omnium beneficiorum, et ideò, cùm dominus jure vendat quod suum est, necessariò sequi in pontificem non posse cadere simoniam, ita quòd voluntas pontificis, qualiscumque ea fuerit, sit regula quâ ejus operationes et actiones dirigantur; ex quo procul dubio efficitur ut quidquid libeat etiam liceat. Ex hoc fonte, tanquam ex equo Trojano, irrupère in ecclesiam Dei tot abus. *Concil. delector. cardin. de emendandâ ecclesiâ.*

### NOTE B, PAGE 341.

Plusieurs auteurs placent sous le pontificat d'Alexandre III. (1159-1181) l'origine de cette prétention des papes.

“ Il est aisé de conjecturer, ajoutent-ils, que les métropo-  
“ litains d’Allemagne, et sur-tout ceux qui sont en même  
“ temps Electeurs de l’empire, ont souffert fort impatiemment  
“ cette grande diminution de leurs droits, au sujet de la con-  
“ firmation des évêques nouveaux, élus dans leurs provinces  
“ respectives ; et les griefs dressés à Constance, sous l’em-  
“ pereur Sigismond, par les députés des provinces de la nation  
“ Allemande, et portés ensuite au concile de Constance par  
“ des députés de la même nation, comme le rapporte Goldast,  
“ nous l’apprennent clairement. Voici ce qu’on lit au chapitre  
“ troisième : Toutes les fois qu’il conviendra de faire des élec-  
“ tions, après qu’elles seront faites, qu’elles soient examinées  
“ selon la forme du droit par les supérieurs immédiats, et si  
“ on les trouve canoniques, qu’elles soient confirmées ; et qu’il  
“ ne soit permis, en aucune manière, au souverain pontife,  
“ d’attenter la moindre chose qui puisse y être contraire, à  
“ moins que les élus ne lui soient immédiatement soumis,  
“ auquel cas il pourra leur intimer ses défenses ; ou à moins  
“ qu’il n’arrive qu’on ait agi en quelque façon contre les for-  
“ mes du droit ; pour lors, comme il est tenu à l’observance  
“ du droit, de même il lui est permis, en remarquant ce qui  
“ aurait été fait ou tenté contres les lois, de le réformer, et  
“ même de corriger et de punir les transgresseurs. Nous  
“ avons déjà établi ci-dessus que ce dernier pouvoir appar-  
“ tient au souverain pontife de droit commun. Quoique le  
“ concile de Constance, dans la xxxvi. session, pour empêcher  
“ que la paix de l’église ne fût troublée, ait ratifié les confirma-  
“ tions d’évêchés faites par les papes qu’il déposa bientôt  
“ après, et qu’il ait ordonné d’expédier et de signer en son  
“ nom les bulles qui n’avaient point encore été données aux  
“ évêques qui avaient abdiqué, ou qui étaient chassés de leur  
“ siège, il a néanmoins pensé sérieusement, dans le même  
“ temps, à réduire les confirmations d’évêques aux termes de  
“ l’ancien droit, puisque dans le décret de la xl. session, par  
“ lequel il prescrivit au pape qui devait être élu, par manière

“ d’avertissemens salutaires, beaucoup de points de la plus  
“ grande importance, auxquels dans la suite il devait donner  
“ encore une meilleure forme, il inséra, dans le cinquième  
“ article, celui de la confirmation des élections. Mais ce que  
“ le concile de Constance a seulement prémédité, nous savons  
“ que le concile de Bâle l’a fait plus efficacement : car, après  
“ avoir retranché les réserves, tant générales que particulières,  
“ il permet seulement que, dans le cas où l’église ou la ré-  
“ publique pourrait souffrir quelque dommage, on puisse re-  
“ courir au souverain pontife, pour la confirmation des élec-  
“ tions canoniques ; ajoutant que, si Rome refusait la confir-  
“ mation, la nouvelle élection serait dévolue au chapitre. Au  
“ reste, il ordonne clairement, que les élections se fassent sans  
“ aucun empêchement ; qu’elles soient confirmées avec con-  
“ naissance de cause, selon la disposition du droit commun.  
“ Les griefs de Mayence, faits après le concile de Bâle, l’an  
“ 1440, et rapportés dans Senckemberg sous le nom de projet  
“ de concordat, sont entièrement conformes à ces plaintes ; ils  
“ développent le sens de ces mots, *selon la disposition du droit*  
“ *commun*, lorsqu’ils assurent que, selon la règle du droit com-  
“ mun, le droit de confirmer les élections doit être restitué au  
“ supérieur immédiat : l’élection étant faite, disent ils, le  
“ décret d’élection doit être présenté au supérieur immédiat,  
“ auquel appartient le droit de confirmer ; ce supérieur doit,  
“ dans cette affaire, examiner avec soin la forme de l’élection,  
“ le mérite de l’élu, ainsi que toutes les circonstances ; de  
“ façon que, si l’élection doit être confirmée, elle doit l’être  
“ judiciairement. Les pères du synode diocésain de Frisingue  
“ en Bavière ont adopté, en la même année 1440, ces projets  
“ des Etats de l’Empire, &c.

“ Quelques auteurs Français ont remarqué comment les dis-  
“ sensions notoires et publiques entre le pape Innocent XI et  
“ le roi Louis XIV avaient semblé prêter une occasion favor-  
“ able pour rétablir l’ancienne discipline, et pour retrancher  
“ cette onéreuse subordination que traîne après soi l’obligation

“ de demander et d’obtenir des bulles pontificales pour des  
 “ bénéfices consistoriaux. Par là, non-seulement il resterait,  
 “ dans les royaumes, des sommes immenses d’argent, qu’on  
 “ envoie tous les ans à Rome ; mais les évêques rentreraient  
 “ dans leurs anciens droits, et le clergé, tant régulier que sé-  
 “ culier, en serait mieux réglé.”—*Du gouvernement de l’Eglise.*  
 “ trad. du latin de Febronius, tom. I. c. 4. § 3.

## NOTE C, PAGE 345.

“ Le rétablissement des métropolitains dans leurs an-  
 “ ciens droits, dit M. l’évêque de Novare, donne les moyens  
 “ de pourvoir, sans aucun retard préjudiciable, les églises va-  
 “ cantes. C’est dans ce but que le fameux concile de Nicée a  
 “ attribué aux seuls métropolitains l’ordination des évêques :  
 “ tous les conciles postérieurs n’ont jamais voulu reconnaître  
 “ pour évêque celui qui n’était point ordonné par décret de  
 “ son métropolitain. Les pontifes Romains eux-mêmes ont  
 “ soutenu cette doctrine générale de l’église jusqu’en 1051, et  
 “ elle a été religieusement observée pendant mille ans et plus.  
 “ L’évêque consacré par le métropolitain et par ses suffragans  
 “ passait immédiatement au gouvernement de son église, et  
 “ était installé par le clergé du siège vacant. L’antiquité ne  
 “ connut jamais l’institution canonique ni le serment de fidélité  
 “ auxquels les pontifes Romains assujettirent l’épiscopat dans  
 “ les derniers temps, et par lesquels ils enchaînèrent ainsi son  
 “ pouvoir divin et originel. Tels sont les principes vrais et  
 “ invariables ; telle est la doctrine constante et pure de  
 “ l’église.” *Adresse de l’évêque de Novare à S. A. I. le prince*  
*vice-roi d’Italie.* Moniteur, 11 février 1811.

M. l’évêque de Forli professe les mêmes principes. “ Le  
 “ pouvoir ordinaire des évêques, dit-il, dérive immédiatement  
 “ du Christ.....En quelque lieu que se trouve un évêque, soit  
 “ à Rome, à Gubbio, à Constantinople, à Reggio, à Alexandrie  
 “ ou à Tani, il a le même caractère et jouit de la même autorité.

“ Tous sont également successeurs des apôtres ; ainsi s’ex-  
“ prime saint Jérôme.....Après l’abdication de Nectaire, le  
“ concile d’Ephèse écrivit au clergé de Constantinople de  
“ prendre soin de cette église pour en rendre compte à celui  
“ qui, par la volonté divine, serait ordonné d’après l’ordre de  
“ l’empereur.....Pendant plus de mille ans, on n’a connu  
“ dans l’église ni l’institution canonique, ni le serment de  
“ fidélité au pape ; liens fatals au pouvoir ordinaire épiscopal,  
“ &c.” *Moniteur* du 16 février 1811.

“ Je suis intimement persuadé, dit M. l’évêque de Vérone,  
“ que la juridiction spirituelle qu’un évêque exerce, lui est  
“ confiée immédiatement par Dieu, et qu’il peut être placé sur  
“ son siège par la puissance compétente, en vertu des décrets  
“ canoniques de l’église universelle.....Les évêques ne sont  
“ pas les vicaires des souverains pontifes, mais les véritables  
“ ordinaires de leurs diocèses.....Au concile de Trente,  
“ les évêques les plus doctes défendirent avec force les pré-  
“ rogatives de l’épiscopat.”—*Moniteur* du 1er. mars 1811.

M. Innoc. Liruti, évêque de Vérone, dont nous venons de transcrire les paroles, a publié, il y a environ trente ans, un volume *in 4to.* intitulé, *De finibus sacerdotii et imperii*, savant et judicieux ouvrage que la cour de Rome s’est empressée de condamner.





## APPENDIX to VOL. II.

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### NOTE A, PAGE 41.

*Sicchè è troppo verisimile che nacesse in que' tempi (di Stefano III, Adriano I) o lo strumento, o almen l'opinione della donazion di Constantino, et che giovassè questo per indurre Pippino e Carlo M. a concedere l'esarcato al papa. Muratori, Pieno Esposizione dei diritti imperiali ed Estensi sopra la città di Comacchio, l. i. p. 26.*

### NOTE B, PAGE 41.

*Decretum imperiale, scriptum, actum, concessum sacrosanctæ. et catholicæ, apostolicæque Ecclesiæ Romanæ, à beato Constantino, qui primus omnium Imperatorum fuit Christianus.*

In nomine sanctæ et individuæ Trinitatis, Patris, et Filii, et Spiritûs sancti, Imperator Cæsar Flavius Constantinus, in Christo Jesu uno ipsius sanctæ Trinitatis, Salvatore, Domino et Deo nostro, fidelis, tranquillus, beneficus, Alemannicus, Gothicus, Sarmaticus, Germanicus, Britannicus, Huthnicus, pius, felix, victor, triumphator, semper augustus, sanctissimo ac beatissimo patri patrum Silvestro episcopo et papæ magnæ

urbis Romæ, et omnibus ejus successoribus summis pontificibus qui in cathedrâ beati Petri usque ad mundi consummationem sessuri sunt, omnibusque venerandissimis, piis ac catholicis episcopis qui huic sacrosanctæ Romanæ ecclesiæ per hanc imperialem nostram constitutionem subjecti sunt, gratia, pax, dilectio, alacritas, propitiatio, misericordia, ab omnipotenti Deo, et Patre, et Jesu-Christo filio ejus, et Spiritu sancto, cum omnibus nobis. Quæ à redemptore et salvatore nostro Domino Jesu-Christo, qui est filius altissimi Patris, per sanctos apostolos suos Petrum et Paulum, mediatore patre nostro Silvestro summo pontifice et universali papâ, prodigiosè erga nos ex miseracordiâ ejus gesta sunt, clarâ enarratione per imperialem hanc nostram scriptionem omni posteritati studuimus tradere ad cognitionem et scientiam omnium toto terrarum orbe populorum, penitùs ab intimo corde progrediente nostræ claritatis ac mansuetudinis confessione.

Primùm quidem nostram fidem efferimus ac prædicamus, quam à supradicto beatissimo patre et intercessore nostro, Silvestro, universali antistite, edocti sumus ad ædificationem mentis omnium nostrûm; et ineffusam super nos misericordiam denunciamus. Scire enim vos omnes volumus, quemadmodùm sacrâ nostrâ superiùs pragmaticâ institutione vobis declaravimus, nos à cultu idolorum mutorum et surdorum et manufactorum, nempè diabolicarum compositionum, et ab omni pompâ satanæ digressos, et ad puram christianorum fidem, quæ vera est et vita æterna, progressos: quemadmodùm nos ipse mirificus et supernus pater noster et præceptor Silvester instruxit in Deum patrem omnipotentem, factorem cœli et terræ, visibilium omnium et invisibilium, et in Jesum-Christum filium ejus unigenitum, Dominum nostrum, per quem omnia facta sunt, et in Spiritum sanctum, dominum et vivificatorem omnis creaturæ; docens credere Patrem, Filium, et Spiritum sanctum, sic confiteri, ut in Trinitate perfectâ et plenitudo divinitatis sit, et unitas potestatis. Deus Pater, Deus Filius, Deus Spiritus sanctus, et hi tres unum sunt. Tres igitur personæ, sed una

potestas. Perfectis igitur cœlestibus virtutibus et omnibus terrestribus materiis benigno sapientiæ suæ nutu; cùm primum hominem ex terrestri limo finxisset ad imaginem et similitudinem suam, hunc in paradiso deliciarum posuit: cui cùm serpens antiquus, hostis diabolus invidisset, amarissimo gustu vetiti ligni exulem ab illâ felici vitâ egit; illoque expulso, non omittit letalibus sagittis, diversis modis, alios jaculari, ut deducat à viâ veritatis humanum genus, et idolorum cultui, nempe creaturæ, non creatori, servire persuadeat omnibus; ut quos possit suis artificiis irretitos æternis suppliciis tradat excrucandos. At Deus, erga suum opificium misericordiâ commotus, missis sanctis prophetis, et per hos lumen vitæ, nempe filium suum Dominum nostrum Salvatorem et Deum Jesum-Christum, annuncians, postea misit etiam ipsum unigenitum suum filium Verbum sapientiæ; qui, descendens de cœlo propter nostram salutem, conceptusque è Spiritu sancto, et ex Mariâ virgine, Verbum caro factum est, et habitavit in nobis, non amittens quod erat, sed incipiens esse quod non erat: Deus perfectus, ut Deus miracula faciens, ut homo passiones humanas preferens. Sic Verbum hominem, et Deum Verbum, hominem et Deum Verbum sentimus documentis patris nostri Silvestri summi pontificis, ut Deus verus et homo verus idem existat, nulloque modo dubitetur. Electis igitur duodecim apostolos, in eorum conspectu et innumerabilium populorum, admirandis prodigiis inclaruit. Confitemur ipsum Dominum nostrum Jesum-Christum adimplevisse leges et prophetias; passum esse et crucifixum secundum Scripturas, tertiâ die à mortuis surrexisse, assumptum esse in cœlum, sedere ad dexteram patris, indè venturum judicare vivos et mortuos, cujus regni non est finis. Hæc est nostra orthodoxa fides à beatissimo papâ nostro Silvestro nobis exposita. Hortamur igitur et monemus omnes populos, variasque hominum nationes, hanc fidem retinere, prædicare, et in nomine sanctæ Trinitatis baptismi gratiam suscipere, et Dominum nostrum et Salvatorem Jesum-Christum, qui cum Patre et Spiritu sancto in

æterna secula regnat, adorare corde pio, quem beatissimus pater noster Silvester universalis antistes prædicat.

Ipse enim Dominus noster, me peccatorem miseratus, misit sanctos apostolos suos, visitansque nos, lumine claritatis suæ nos circumfudit, abstractosque è tenebris ad veritatis cognitionem dignatus est deducere. Postquàm enim valida turpitudine lepræ omnem corporis mei carnem invasisset, à multisque medicis curatio mihi adhiberetur, quorum studio sanitatem consequi non poteram, in his sacerdotes Capitolio ad me venerunt, oportere dicentes, piscinam in Capitolio fieri, et hanc innocentem calidoque cruore repleri, ubi ablutus expiationem ac nitorem consequeretur. Juxta igitur horum monita, multis innocentibus pueris collectis, volentibusque sceleratis sacerdotibus eos mactare eorumque sanguine replere piscinam, lacrymis matrum nostra serenitas permota est: è vestigio exhorruimus execrandum scelus, easque miserati imperavimus reddi filios, datisque insuper vehiculis ac multis muneribus lætas ad propria domicilia dimissimus. Hâc die exactâ, nocturnâque quiete superveniente somno nobis deditis, adsunt sancti apostoli Petrus et Paulus mihi dicentes: “ Quoniam sceleribus imposuisti modum et effusionem innoxii cruoris exhorruisti, ecce à Domino et Deo nostro missi sumus daturi tibi consilium, quo sanitatem recipies. Audi igitur præceptum nostrum et fac quæ te monuerimus. Urbis hujus episcopus Silvester, persecutiones tuas fugiens, in cavernis petrarum cum suis clericis delitescit in monte Soracte. Hunc ad te accerse, eoque docente disciss veram veritatis piscinam, in quâ cum ter demersus fueris, omnis lepræ deformitas te relinquet. Quo facto, hanc remunerationem compensa salvatori tuo, ut, tuiis imperiis, et ecclesiæ per totum orbem restituantur. Et tu te ipsum in hâc parte emunda, ut, omnem idolorum superstitionem relinquens, solum vivum et verum Deum, qui solus est verus Deus, colas et adores, et ejus adimpleas voluntatem.” Experrectus igitur juxta quæ fuerant imperata ab apostolis feci, advocansque eximium et egregium patrem papam, qui nos illuminavit, Sil-



vestrum, omnia quæ mihi mandaverant sancti apostoli ei exposui; requisivique ab eo, quinam dii essent Petrus et Paulus nuncupati. Ille dixit eos non appellari verè deos, sed esse apostolos Salvatoris nostri Domini Jesu-Christi. Iterùm cœpi rogare beatissimum papam, num quæ clarè horum apostolorum haberentur imagines, si ex picturâ saltem possem eos agnoscere, quos ex visione didiceram. Tunc omnibus modis venerandus ille pater divorum apostolorum imagines afferri per diaconam jussit: quas ego conspicatus, et eorum effigies, quos in somno vidissem, per eas imagines recognoscens, magnâ voce coram satrapis nostris exclamavi, hos esse quos vidissem in somnis. Ad hæc, beatissimus is pater noster Silvester, urbis Romæ episcopus, tempus nobis pœnitentiæ præscripsit in cilicio intra nostrum palatium Lateranensè, ut omnia à nobis impurè gesta et injustè perpetrata jejuniis, vigiliis, lacrymis et precibus apud Dominum Salvatorem nostrum delerentur. Exindè clericis imponentibus mihi manus, usque ad ipsum summum pontificem perveni: ibique renunciâs pompis satanæ, et operibus ejus, et omnibus manufactis idolis, me credere in unum Deum patrem omnipotentem, creatorem cæli et terræ, visibilium omnium et invisibilium, et in unum Dominum Jesum-Christum, filium Dei unigenitum, Dominum nostrum, conceptum ex Spiritu sancto in Mariâ virgine, spontè in conspectu omnis populi confessus sum. Benedicta piscina illa me ternâ immersione salubris aquæ expiavit. Cùmque essem in sinu piscinæ, manum tangentem me de cælo propriis oculis vidi, at ab eâ mundus exurgens omni lepræ fœditate me mundum cognovi. Extractum autem me ex sacrâ piscinâ, candidis vestibus induerunt. Septiformeque Spiritûs sancti signum indidit, beatæ unctionis contactu signum sanctæ crucis pater meæ fronti impressit, dicens: Signet te Deus sigillo fidei suæ, in nomine Patris et Filii et Spiritûs sancti; omnisque clerus respondit *amen*. Adjecit summus antistes: Pax tibi. Tertiâ igitur die posteaquàm accepissem mysterium divini baptismatis, et post lepræ curationem, cognovi non esse alium Deum

præterquàm Patrem, et Filium, et Spiritum sanctum, quem beatissimus papa Silvester prædicat, Trinitatem in unitate, et unitatem in Trinitate. Omnes enim dii gentium quos olim colebam esse dæmonia, opera manuum hominum, clarè probantur. Ad hæc, quantam auctoritatem ipse Salvator noster apostolo suo beato Petro tribuit in cœlo et in terrâ, apertè nobis ipse eximius pater exposuit, quando, illum fidelem inveniens, in interrogatione dixit: "Tu es Petrus, et super hanc petram ædificabo ecclesiam meam, et portæ inferi non prævalebunt adversùs eam." Considerate, principes, et auribus cordis attendite, quid bonus præceptor Dominusque suo discipulo donaverit dicens: "Et dabo tibi claves regni cœlorum; et quod ligaveris super terram, erit ligatum et in cœlis." Verbum stupendum et admirabile! in terrâ ligare et solvere, in cœlis ligatum esse et solutum! His igitur cognitis, beato Silvestro docente, sentiensque beneficio beati Petri corpori meo redditam sanitatem, dignum judicavimus cum omnibus satrapis nostris ut quemadmodùm beatus Petrus in terrâ constitutus est vicarius filii Dei, sic apud nos etiam, qui imperii nostri locum tenebunt principis apostolorum, potestatem quæ data est ipsis majorem habeant eâ quam nostra serenitas in terris habere ubique noscitur. Eligimus enim ipsum apostolorum principem ejusque successores proprios nobis ipsis esse ad Deum patronos. Et quemadmodùm nostram in terris imperialem auctoritatem, sic et sacro-sanctam ecclesiam Romanam honorare cum reverentiâ, et sanctissimam beati Petri cathedram magis quàm nostrum imperialem terrenumque thronum gloriosè extollere debemus, reddentes ipsi auctoritatem gloriæque dignitatem, vim, facultatem atque imperialem honorem. Præterea statuentes decernimus imperium habere super principales quatuor thronos Antiochiæ, Alexandriæ, Constantinopolis et Hierosolymarum, necnon super omnes, quæ in universo terrarum orbe sunt, Dei ecclesias; eumque qui pro tempore ipsius sanctæ Romanæ ecclesiæ pontifex erit, superiorem esse ac principem omnium episcoporum, omniaque quorum oportet curam habere, quæ ad

cultum divinum aut ad confirmationem ac robur fidei christianorum pertinent, hujus judicio atque sententiâ administrari. Justum est enim ibi caput imperii sanctam habere legem, ubi sanctarum legum legislator Salvator noster beatum Petrum constituit apostolicæ ecclesiæ cathedram tenere; ubi, crucis stimulum sustinens, beatæ mortis calicem bibit, præceptoris ac magistri sui factus imitator. Ibi ad finem usque ac perpetuò quærant magistrum ubi sancti magistri corpus requiescit. Ibi gentes pro nominis Christi confessione flectant colla, ubi horum magister beatus apostolus Paulus, pro Christo cervices tendens, coronâ martyrii decoratus est. Ibi proni atque humiliati cœlestis Regis, Deique et Salvatoris nostri Jesu-Christi serviant officio, ubi sublimi terreni reges servierunt auctoritati. Propter quæ omnia, populos omnes totius orbis terrarum scire volumus, quemadmodum nos intra Lateranense palatium nostrum templum ipsi Salvatori nostro et Domino Jesu-Christo à fundamentis ipsis cum baptisterio excitavimus. Scitote verò duodecim etiam cophinos terræ nos indè onustos propriis humeris extulisse, pares videlicet numero duodecim apostolis. Quam nimirum sacrosanctam ecclesiam caput ac verticem omnium per orbem terræ et ecclesiarum dici, coli, prædicari et honorari decernimus, sicut in aliis nostris imperialibus decretis statuimus. Ædificavimus verò ecclesias etiam beatis Petro et Paulo, principibus apostolorum, quas argento auroque decoratas magnificèque extructas perfecimus. Ubi et sanctissima ipsorum corpora condentes atque curantes honorificentissimè, magni pretii loculos ipsis ex electro, quo nulla elementorum vis firmior est, effecimus, crucemque ex auro purissimo margaritisque pretiosis factam sigillatim super utrumque loculum imposuimus aureis configentes clavis. Quibus ecclesiis, pro assiduitate luminarium, possessiones agrosque attribuimus, nostroque imperiali divinoque decreto per Orientem et Occidentem, Septentrionalem et Meridionalem plagam, per Judæam videlicet, atque Asiam, Thraciam, Græciam, Africam atque Italiam, et per diversas insulas, nostram ipsis liberalitatem im-

munitatemque impertiti sumus ; sic videlicet, ut per manus beatissimi patris nostri summi pontificis Silvestri et ejus successorum disponantur omnia. Lætetur igitur nobiscum universus populus ; omniaque per universum orbem terræ nationum genera hortamur ut nobiscum Deo ac Salvatori nostro Jesu-Christo sine fine gratias agant, quoniam ipse Deus est in cœlo suprâ et in terrâ infrâ, qui nos per sanctos apostolos visitans, sanctum baptismatis sacramentum corporisque sanitatem ut perciperemus, dignos effecit. Pro quibus etiam dedimus ipsis sanctis apostolis ac dominis meis Petro et Paulo, ac per ipsos beato Silvestro patri nostro summoque pontifici et universali urbis Romæ papæ, omnibusque ejus successoribus summis pontificibus qui ad mundi usque consummationem in cathedrâ beati Petri sedebunt, atque impræsentiarum tradimus, primùm quidem imperiale palatium nostrum Lateranense, quod præter omnia quæ in orbe terrarum sunt palatia in primis honoratur atque excellit ; deinde verò diadema, hoc est coronam capitis nostri ; similiter verò et phrygium, hoc est, tegmen capitis, sive mitram ; quinetiam et superhumera, lorum videlicet ipsum quod adsolet imperiale collum circumire ; adhuc verò purpuream chlamydem et coccineam vestem, omniaque imperialia indumenta ; verùm et imperialium antecessorum dignitatem atque equitum addentes, etiam imperialia sceptrâ omniaque insignia, adhuc autem et banda et imperialia ornamenta et omnem imperialis apicis in processionibus gloriam ac potestatem. Reverendissimos etiam viros clericos qui, per diversos ordines, huic sacrosanctæ Romanorum ecclesiæ serviunt, culmen illud eximiamque potestatem atque excellentiam habere decernimus, eâ nimirùm gloriâ quâ maximus senatus noster cernitur ornatus, hoc est, patricos ipsos et consules ; adhuc autem et aliis imperialibus dignitatibus insignes ac celebres esse ; et quemadmodùm imperialem exercitum, sic etiam clerum sanctæ Romanæ ecclesiæ ornari decernimus ; et ut imperialis auctoritas diversis officiis cubiculariorum, ostiariorum excubitorumque decoratur, sic sanctam Romanam ecclesiam



decorari volumus, et quàm latissimè summi pontificis splendorem ac decentiam promicare. Sancimus et clericorum ejusdem sanctæ Romanæ ecclesiæ equos manipulis ac linteis candidissimi coloris ornari, atque ita equitantes ipsos portare; udonibus quoque, hoc est, candidissimo linteo circum calceamenta ipsa uti, quemadmodùm his etiam senatus noster utitur: ut quemadmodùm cœlestia, sic etiam terrestria ormentur ad gloriam Dei. Sancimus ante omnia, dantes licentiam ipsi sanctissimo patri nostro Silvestro urbis nostræ Romæ episcopo et papæ, et omnibus post ipsum in ejus successionem venturis per successoria tempora beatissimis præsulibus, honoris causâ, ad gloriam Domini nostri Jesu-Christi, in magnâ hâc catholicâ ac apostolicâ ecclesiâ, si quem ex illustri senatu nostro voluerint maximè venerabilibus clericis connumerare, neminem eorum qui ad hoc vocati fuerint, per superbiam recusare ipsum ordinem. Sancimus verò et hoc: omni reverentiâ dignum patrem nostrum Silvestrum summum pontificem, atque omnes adhuc deinceps successores præsules, diademate et coronâ, quæ de capite nostro ipsi præbuimus, ex auro purissimo pretiosisque lapidibus ac margaritis confectâ uti debere, et in capite gestare ad gloriam Dei in beati Petri honorem. Quia verò ipse beatissimus papa, in coronâ clericatûs curæ, quæ est in capite, quam pro honore beatissimi Petri habet, non sustinuit coronâ uti aureâ, nos phrygium, colore hoc candidissimo resurrectionem Domini exprimentes, sanctissimo ipsius vertici propriis manibus imposuimus, et fræna ejus equi tenentes pro honore beati Petri, stratoris officium ipsi exhibuimus; sancientes eodem phrygio omnes ejus successores per se quemque uti in processionibus ad imitationem imperii nostri. Undè, ne videlicet summi pontificis apex vilis esse videretur, sed ut plusquàm terrenum imperium dignitate, gloriâ ac potestate ornetur, ecce et palatium nostrum, ut dictum est, tradimus. Quin et Romanorum urbem totamque Italiam, et Occidentalium regionum provincias, loca, civitates, sæpè jamdicto Silvestro, universali papæ, tradentes ac cedentes, hujus et successorum ipsius



summorum pontificum auctoritate atque sententiâ divino nostro hoc pragmatico decreto administrari diffinimus, juri sanctæ Romanorum ecclesiæ subjicienda et in eo permansura exhibemus. Undè congruum judicavimus imperium nostrum et hujus gloriam in Orientales transferre regiones, et in Byzantii regione, loco optimo, nostri nominis urbem condentes, ibi imperium nostrum constituere. Ubi enim sacerdotum principatus et christianæ religionis caput à cœlesti rege constitutum est, justum non esset ibi potestatem habere terrenum regem. Hæc igitur omnia quæ per sacram nostram hanc scripturam aliaque divina decreta constituta confirmataque sunt, usque ad mundi consummationem illibata et immota permanere decernimus. Undè, coram vivente Deo, qui nos imperare jussit, et ante tremendum ipsius judicium, obtestamur per imperialem hanc constitutionem successores nostros omnes imperatores, satrapas omnes, optimates omnes Romanorum, cunctumque amplissimum senatum, omnes ubique terrarum populos, quique nunc sunt, quique pòst erunt, horum nemini licere quoquo modo, quæ à nobis imperiali decreto sacrosanctæ Romanæ ecclesiæ omnibusque hujus præsulibus tributa sunt atque exhibita, violare, aut attingere, aut quovis alio modo turbare. Sin aliquis horum, quod minimè credimus, arrogans sive contemptor circa hæc extiterit, æternis addictus maledictionibus illarum subjiciatur cruciatibus, sentiatque sibi ipsi contrarios sanctos Dei ac principes apostolorum Petrum et Paulum, et in præsentî vitâ, et in futurâ; in inferiori inferno cruciatus deficiat cum diabolo omnibusque impiis. Hujus autem imperialis nostri decreti scriptionem propriis manibus communientes, super venerabile corpus principis apostolorum beati Petri manibus propriis imposuimus, ibidem Dei apostolo promittentes inviolabilia nos hæc omnia conservaturos, notrisque successoribus atque imperatoribus conservanda per mandata nostra relicturos, et beato patri nostro Silvestro, et universali papæ, ac per ipsum cæteris omnibus ejus successoribus summis pontificibus, Domino ac

Deo et Salvatore nostro Jesu-Christo libenter annuente, in perpetuum ac feliciter ipsorum in possessione futura.

NOTE C, PAGE 57.

Petrus vocatus apostolus à Jesu-Christo, Dei vivi filio, qui, ante omnia secula cum patre regnans in unitate Spiritûs sancti, in ultimis temporibus pro nostrâ omnium salute incarnatus et homo factus, nos suo redemit sanguine pretioso, per voluntatem paternæ gloriæ, quemadmodum per sanctos suos destinavit prophetas in Scripturis sanctis, et per me omnis Dei catholica et apostolica ecclesia Romana, caput omnium ecclesiarum Dei, ipsius Redemptoris nostri sanguine super firmam fundata petram, atque ejusdem almæ ecclesiæ Stephanus præsul : gratia, pax et virtus ad eruendam eandem sanctam Dei ecclesiam, et ejus Romanum populum mihi commissum, de manibus persequentium, plenius ministretur à Domino Deo nostro, vobis viris excellentissimis, Pippino, Carolo et Carolomanno, tribus regibus ; atque sanctissimis episcopis, abbatibus, presbyteris vel cunctis religiosiis monachis, verum etiam ducibus, comitibus, et cunctis generalibus, exercitibus et populo Franciæ commorantibus. Ego Petrus apostolus, dum à Christo Dei vivi filio vocatus sum supernæ elementiæ arbitrio, illuminator ab ejus potentiâ totius mundi sum præordinatus, ipso Domino Deo nostro confirmante : Ite, docete omnes gentes, baptizantes eos in nomine Patris et Filii et Spiritûs sancti. Et iterum : Accipite Spiritum sanctum, quorum remiseritis peccata, remittuntur eis. Et mihi suo exiguo servo et vocato apostolo singillatim suas commendans oves, ait : Pasce oves meas, pasce agnos meos. Et rursum : Tu es Petrus, et super hanc petram ædificabo ecclesiam meam, et portæ inferorum non prævalebunt adversus eam ; et tibi dabo claves regni cœlorum : quæcumque ligaveris super terram, erunt ligata et in cœlis ; et quæcumque solveris super terram, erunt soluta et in cœlis. Quamobrem omnes qui meam audientes impleverunt prædicationem, profectò credant sua in hoc mundo Dei præceptione

relaxari peccata ; et mundi atque sine maculâ in illam progrediantur vitam. Etenim quibus illuminatio Spiritûs sancti in vestris refulsit præfulgidis cordibus, vosque amatores effecti estis sanctæ et unicæ Trinitatis per susceptum evangelicæ prædicationis verbum, profectò in hâc apostolicâ Dei Romanâ ecclesiâ nobis commissâ, vestra futuræ retributionis spes tenetur annexa. Ideòque ego apostolus Dei Petrus, qui vos adoptivos habeo filios, ad defendum de manibus adversariorum hanc Romanam civitatem et populum mihi à Deo commissum, et domum ubi secundum carnem requiesco, de contaminatione gentium eruendam, vestram omnium provocans dilectionem abhortor et ad liberandam ecclesiam Dei mihi à divinâ potentiâ commendatam omninò protestans admoneo, pro eo quod maximas afflictiones et oppressiones à pessimâ Longobardorum gente patiantur. Nequaquàm aliter teneatis amantissimi, sed pro certo confidite, memetipsum tanquam in carne coram vobis vivum assistere, et per hanc adhortationem validis constringere atque obligare adjurationibus. Quia, secundum promissionem quam ab eodem Domino Deo et Redemptore nostro accepimus, peculiare inter omnes gentes vos, Francorum populos, habemus, itaque protestor et admoneo tanquam in ænigmate, et firma obligatione conjuro vos, christianissimi reges, Pippinum, Carolum et Carolomannum, atque omnes sacerdotes, episcopos, abbates, presbyteros vel universos religiosos monachos, vel universos religiosos monachos, vel cunctos iudices, item duces, comites, et cunctum Francorum regni populum, et tanquam præsentialiter in carne vivus assistens corum vobis ago ego apostolus Dei Petrus : ita firmiter credite me coram vobis per adhortationis alloqui verbum ; et quòd, etsi carnaliter desum, spiritualiter autem à vobis non desim ; quoniam scriptum est : Qui suscipit prophetam in nomine prophetæ, mercedem accipit prophetæ. Sed et Domina nostra Dei genitrix semper virgo Maria nobiscum vos magnis obligationibus adjurans protestatur atque monet et jubet, simul etiam et throni atque dominationes, vel cunctus cœlestis militiæ exercitus ;

necnon et martyres atque confessores Christi, et omnes sancti Deo placentes, nobiscum conjurantes et adhortantes, protestantur, quatenus doleatis pro civitate istâ Romanâ nobis à Domino Deo commissâ, et ovibus Dominicis in eâ commorantibus, necnon et pro sanctâ Dei ecclesiâ mihi à Domino commendatâ, defendite atque liberate eam cum festinatione de manibus persequentiam Longobardorum, ne (quod absit!) corpus meum, quod pro Domino Jesu-Christo tormenta perpressum est, et domus mea ubi per Dei præceptionem requiescit, ab eis contaminentur, et populus meus peculiaris lanietur amplius nec trucidetur ab impiâ Longobardorum gente, qui tanto flagitio et perjuriis rei existunt, et transgressores divinarum Scripturarum probantur. Præstate ergò meo populo Romano, mihi à Deo commisso, in hâc vitâ fratribus vestris, Domino cooperante, præsidia totis vestris viribus : ut ego Petrus vocatus Dei apostolus, in hâc vitâ, et in die futuri examinis, vobis alterna impendens patrocinia, in regno Dei lucidissima ac præclara vobis præparem tabernacula, atque præmia æternæ retributionis et infinita paradisi gaudia vobis pollicens, ad vicem tribuam ; dummodò meum peculiarem populum et Romanam meam civitatem, fratres vestros Romanos, de manibus iniquorum Longobardorum nimis velociter defenderitis. Currite, per Deum vivum et verum vos adhortor et protestor : currite et subvenite antequàm fons vivus, undè sacrati et renati estis, arescat ; antequàm ipsa modica favilla de flagrantissimâ flammâ remanens, de quâ vestram lucem cognovistis, extinguatur ; antequàm mater vestra spiritualis, sancta Dei ecclesia, in quâ vitam speratis accipere æternam, humilietur, invadatur, et ab impiis violetur atque contaminetur. Protestor vos, dilectissimi filii mei adoptivi, per gratiam Spiritûs sancti, et nimis coram Deo terribili, creatore omnium, adhortor atque admoneo, ego apostolus Dei Petrus, et unâ mecum sancta Dei catholica et apostolica ecclesia, quam mihi Dominus commisit : ne patiamini perire hanc civitatem Romanam, in quâ corpus meum constituit Dominus, quam et mihi commendavit et funda-

mentum fidei constituit ; liberate eam et ejus populum Romanum, fratres vestros, et nequaquàm invadi permittatis à gente Longobardorum. Sic enim sunt invasæ provinciæ et possessiones vestræ à gentibus quas ignoratis. Non separamini à populo meo Romano : sic enim essetis alieni aut separati a regno Dei et vitâ æternâ. Quicquid enim poscetis à me, subveniam vobis, videlicet et patrocinium impendam. Subvenite populo meo Romano, fratribus vestris, et perfectiùs decertate, atque finem imponite ad liberandum eos. Nullus enim accepit coronam, nisi qui legitimè decertaverit : et vos decertate fortiter pro liberatione sanctæ Dei ecclesiæ, ne in æternum pereatis. Conjuro vos, ut præfatum est, dilectissimi, per Deum vivum, et omninò protestor, minimè permittatis hanc civitatem meam Romanam, et in eâ habitantem populum, ampliùs à gente Longobardorum laniari, ne lanientur et crucientur corpora et animæ vestræ in æterno atque inextinguibili igni tartareo cum diabolo et ejus pestiferis angeles : et non dispergantur ampliùs oves Dominici gregis mihi à Domino commissi, videlicet populus Romanus ; ne vos dispergat et projiciat Dominus, sicut Israelitus populus dispersus est. Declaratum quippe est, quòd super omnes gentes quæ sub cælo sunt, vestra, Francorum gens, apostolo Dei Petro prima exstitit ; et ideò ecclesiam quam mihi tradidit Dominus, vobis per manus vicarii mei commendavi, ad liberandum de manibus de inimicorum. Firmissimè enim tenete quòd ego servus Dei vocatus apostolus, in omnibus vestris necessitatibus, dummodò precati estis, auxiliatus sum, et victoriam per Dei virtutem vobis de inimicis vestris tribui, et, ut antè, attribuam ; nihilominùs credite, si ad liberandam hanc meam civitatem Romanam nimis celeriter accurretis. Mementote et hoc, quomodò et inimicos sanctæ Dei ecclesiæ, dum contra vos prælium inceperunt, à vobis, qui parvo numero contra eos fuistis, prosterni feci : pro quo decertate hanc meam velociter adimplere admonitionem, ut perfectiùs meum mereamini auxilium adipisci, per gratiam quæ data est mihi à Domino Deo nostro. Ecce, filii carissimi, præ-



dicans, admonui vos: si obedieritis velociter, erit vobis locus ad magnam mercedem, meis suffragiis adjuvabimini, et in præsentî vitâ omnes vestros inimicos superantes, et longævi existentes, bona terræ comedetis, et æternâ procul dubio fruemini vitâ. Sin autem (quod non credimus) et aliquam posueritis moram aut adinventionem, si minimè velociter hanc nostram impleveritis adhortationem, ad liberandam hanc meam civitatem Romanam et populum in eâ commorantem, et sanctam Dei apostolicam ecclesiam à Domino mihi commissam, simul et ejus præsulem, sciatis vos ex auctoritate sanctæ et unicæ Trinitatis, per gratiam apostolatûs quæ data est mihi à Christo Domino, vos alienari, pro transgressione nostræ adhortationis, à regno Dei et vitâ æternâ. Sed Deus et Dominus noster Jesu-Christus, qui nos suo pretioso sanguine redimens, ad lucem preduxit veritatis, nos quoque prædicatores et illuminatores totius mundi constituit, det vobis ea sapere, ea intelligere eaque disponere nimis velociter, ut celerius hanc civitatem Romanam, et ejus populum, et sanctam Dei ecclesiam mihi à Deo commissam ad eruendum occurratis, quatenus misericorditer divina potentia, pro vobis, sicut fidelibus, meis intervenientibus suffragiis, et in præsentî vitâ longævus, sospites et victores conservare jubeat, et venturo in seculo dona suæ remunerationis faciat multipliciùs promereri cum sanctis et electis suis. Benè valete.

## NOTE D, PAGE 64.

In nomine Domini Dei omnipotentis, Patris et Filii et Spiritûs sancti, ego Hludovicus, imperator augustus, statuo et concedo per hoc pactum confirmationis nostræ tibi beato Petro principi apostolorum, et per te vicario tuo domno Paschali summo pontifici et universali papæ, et successoribus ejus, in perpetuum, sicut à prædecessoribus nostris usque nunc in vestrâ potestate et ditione tenuistis et disposuistis, civitatem Romanam, cum ducatu suo et suburbanis atque viculis om-

nibus et territoriis ejus montanis, et maritimis littoribus et portubus, seu cunctis civitatibus, castellis, oppidis ac viculis, in Tusciæ partibus, id est, Portum, Centum-cellas, Cære, Bledam, Maturanum, Sutrium, Nepe, Castellum-Gallesii, Hortam, Polimartium, Ameriam, Tudertum, Perusium, cum aliis tribus insulis suis, id est, majorem et minorem, Pulvensam et lacum, Narniam, Otriculum, cum omnibus finibus ac territoriis ad supradictas civitates pertinentibus ; simili modo et in partibus Campaniæ, Segniam, Anagniam, Ferentinum, Alatrium, Patricum, Frusinonem cum aliis partibus Campaniæ ; necnon et Tibur, cum omnibus finibus et territoriis ad eadem civitates pertinentibus ; necnon et exarchatum Ravennatensem sub integritate, cum urbibus, civitatibus, oppidis et castellis, quæ piæ recordationis dominus Pippinus rex ac bonæ memoriæ genitor noster Carolus imperator beato Petro apostolo et prædecessoribus vestris jamdudum per donationis paginam restituerunt, hoc est, civitatem Ravennam et Æmiliam, Bobium, Cæsenam, Forum-Pompilii, Forum-Livii, Faventiam, Imolam, Bononiam, Ferrariam, Comachum, et Adriam et Gabellum, cum omnibus finibus, territoriis atque insulis in terrâ marique ad prædictas civitates pertinentibus ; simulque et Pentapolim, videlicet Ariminum, Pisaurum, Fanum, Senogalliam, Anconam : Humanam, Æsium, Forum-Sempronii, Montem-Feretri, Urbinum, et territorium Valvense, Calles, Luceolos, Eugubium, cum omnibus finibus ac terris ad easdem civitates pertinentibus : eodem modo territorium Sabinense sicut à genitore nostro Carolo imperatore beato Petro apostolo, per donationis scriptum, concessum est, sub integritate, quemadmodum ab Itherio et Macenario abbatibus, missis illius, inter idem territorium Sabinense et Reatinum definitum est : item, in partibus Tusciæ Longobardorum, Castellum-Felicitatis, Urbevetum, Balneum Regis, Ferenti castrum, Viterbium, Martam, Tuscaniam, Populoniam, Soanam, Rosellas ; et insulas Corsicam et Sardiniam et Siciliam sub integritate, cum omnibus adjacentibus et territoriis maritimis, littoribus, portubus, ad

supradictas civitates et insulas pertinentibus : item, in partibus Campaniæ, Soram, Arces, Aquinum, Arpinum, Theanum, Capuam, et patrimonia ad potestatem et ditionem nostram pertinentia, sicut est patrimonium Beneventanum et Salernitanum, et patrimonium Calabriæ inferioris et superioris, et patrimonium Neapolitanum, et ubicumque in partibus regni atque imperii à Deo nobis commissi patrimonia nostra esse noscuntur : has omnes supradictas provincias, urbes, civitates, oppida et castella, viculos et territoria, simulque et patrimonia, jamdictæ ecclesiæ tuæ, beate Petre apostole, et per te vicario tuo spirituali patri nostro Paschali summo pontifici et universali papæ, ejusque successoribus usque ad finem seculi, eo modo confirmamus, ut in suo detineant jure, principatu ac ditione. Simili modo per hoc nostrum confirmationis decretum firmamus donationes quas piæ recordationis dominus Pippinus rex, avus noster, et postea dominus et genitor noster Carolus imperator, beato Petro apostolo spontaneâ voluntate contulerunt ; necnon et censum et pensiones seu cæteras donationes quæ annuatim in palatium regis Longobardorum inferri solebant, sive de Tusciâ Longobardorum, sive de ducatu Spoletano, sicut in suprascriptis donationibus continetur, et inter sanctæ memoriæ Hadrianum papam et dominum et genitorem nostrum Carolum imperatorem convenit, quando eidem pontifici idem de supradictis ducatibus, id est, Tuscano et Spoletano, suæ auctoritatis præceptum confirmavit ; eo scilicet modo, ut annis singulis supradictus census ecclesiæ beati Petri apostoli persolvatur, salvâ super eosdem ducatus nostrâ in omnibus donatione et illorum ad nostram partem subjectione. Cæterum, sicut diximus, omnia superiùs nominata ita ad nostram partem per hoc nostræ confirmationis decretum roboramus ut in vestro vestrorumque successorum permaneant jure, principatu atque ditione, ut neque à nobis neque à filiis et successoribus nostris per quodlibet argumentum sive machinationem in quâcumque parte minuatur vestra potestas, aut vobis de suprascriptis omnibus vel successoribus vestris indè aliquid subtrahatur, de

suprascriptis videlicet urbibus, provinciis, civitatibus, oppidis, castris, viculis, insulis, territoriis atque patrimoniis, necnon et pensionibus atque censibus; ita ut neque nos ea subtrahamus, neque quibilibet subtrahere volentibus consentiamus; sed potius omnia quæ superius leguntur, id est, provincias, civitates, urbes, oppida, castella, territoria, patrimonia atque insulas, census ac pensiones, ecclesiæ beati Petri apostoli et pontificibus in sacratissimâ illius sede in perpetuum residentibus, in quantum possumus, defendere nos promittimus. Ad hoc, ut omnia ea in illius ditione, ad utendum et fruendum atque disponendum, firmiter valeat obtinere, nullam in eis nobis partem aut potestatem disponendi aut judicandi subtrahendive aut minorandi vindicamus, nisi quando ab eo qui illo tempore hujus sanctæ ecclesiæ regimen tenuerit rogati fuerimus. Et si quilibet homo de supradictis civitatibus ad vestram ecclesiam pertinentibus ad nos venerit, subtrahere se volens de vestrâ jurisdictione vel potestate, vel quamlibet aliam iniquam machinationem metuens, aut culpam commissam fugiens, nullo modo eum aliter recipiemus, nisi ad justam pro eo faciendam intercessionem, ita duntaxat si culpa quam commisit venialis fuerit inventa; sin aliter, comprehensum vestræ potestati eum trademus: exceptis his qui, violentiam vel oppressionem potentium passi, ideò ad nos venient ut per nostram intercessionem justitiam accipere mereantur; quorum altera conditio est, et à superioribus valdè disjuncta. Et quando divinâ vocatione hujus sanctissimæ sedis pontifex de hoc mundo migraverit, nullus ex regno nostro aut Francus aut Longobardus aut de quâlibet gente homo sub nostrâ potestate constitutus licentiam habeat contra Romanos aut publicè aut privatim veniendi aut electionem faciendi; nullusque in civitatibus vel territoriis ad ecclesiam beati Petri pertinentibus aliquod malum propter hoc facere præsumat: sed liceat Romanis cum omni veneratione et sine aliquâ perturbatione honorificam suo pontifici exhibere sepulturam, et eum quem divinâ inspiratione et beati Petri intercessione omnes Romani uno consilio atque concordia, sine aliquâ

promissione, ad pontificatûs ordinem elegerint, sine aliquâ ambiguitate et contradictione, more canonico consecrari. Et cùm consecratus fuerit, legati ad nos vel ad successores nostros reges Francorum dirigantur, qui inter nos et illum amicitiam et caritatem ac pacem socient, sicut temporibus piæ recordationis domini Caroli atavi nostri, sive domni Pippini avi nostri, vel et Karoli imperatoris genitoris, consuetudo erat faciendi. Hoc autem ut ab omnibus fidelibus sanctæ Dei ecclesiæ firmum esse credatur, firmiusque per futuras generationes et secula ventura custodiatur, propriæ manûs signaculo et venerabilium episcoporum atque abbatum vel optimatum nostrorum sub jurejurando et subscriptionibus pactum istud nostræ confirmationis roboravimus, et per legatum sanctæ Romanæ ecclesiæ Theodorum nomenclatorem domno Paschali papæ direximus.

Et ego Ludovicus, misericordiâ Dei imperator, subscripsi.

Et subscripserunt tres filii ejus, et episcopi decem, et abbates octo, et comites quindecim, et bibliothecarius unus, et mansionarius unus, et ostiarius unus.

#### NOTE E, PAGE 94.

Innocentius, episcopus, servus servorum Dei, carissimo in Christo filio regi Angliæ illustri, salutem et apostolicam benedictionem. Regale genus Angliæ, quod speciali quodam affectu et intimæ dilectionis prærogativâ prosequimur, exaltare super cæteros orbis reges et principes cupientes, dilectum filium magistrum Albertum, notarium nostrum, apostolicæ sedis legatum, qui ejusdem generis honorem et commodum zelatur ut proprium, ad partes illas principaliter hâc de causâ transmissimus, ut, idem genus locupletans et exaltans, conferat ei regnum Siciliæ, quod opulentiâ et divitiis alia regna mundi superat, ad Romanam ecclesiam devolutum; et licet super hoc fuerit hinc indè plerumquè tractatum, pro eo tamen quòd in eodem regno adhuc supererat unicus nepos tuus, ne videris



sitire sanguinem proprium et proximorum tuorum spolia concupire, tantum honorem et commodum recipere usque ad hæc tempora distulisti. Sed, eodem nepote tuo impiè, ut asseritur, sublato de medio, tu desiderans cum apostolicâ sede filium habere communem, devovisti perpetuò ad ejus obsequia carissimum in Christo filium nostrum Edmundum, illustrem regem Siciliae, natum tuum, faciens ipsum de præfati legati manibus, habentis super hoc à nobis potestatem plenariam, recipere prædictum regnum ad honorem Dei et ecclesiae ac tranquillitatem et pacem totius populi christiani. Supra quod celsitudini tuæ referimus actiones multimodas gratiarum, parati et prompti ad omnia quæ placere noverimus cordi tuo. Cùm igitur collationem prædicto regi ab eodem legato factam duxerimus de fratrum nostrorum consilio confirmandam, defectum, si quis ex quâcumque causâ in eâ extitit, supplentes de plenitudine potestatis, magnificentiam regiam rogamus et hortamur attentè quatenùs, considerato diligenter, si placet, quòd, cum omnes de illo regno redemptionem à nobis expetant jugiter et expectent, negotium ipsum ex suâ naturâ multam accelerationem postulat et requirit, quòdque dilatio in talibus consuevit maximum parere detrimentum, prædictum regem ad proseguendum in manu forti assumptum negotium sic in militiâ, pecuniâ et aliis quæ opportuna fuerint viriliter, celeriter et potenter accingas, quòd ad fastigium ejusdem regni, ubi recipietur, cum desiderio, ut matutinus lucifer, possit magnificè, prout decet tantum principem, pervenire: sciturus pro certo quòd, cùm idem negotium sit Dei, non hominis, prædicto regi prospera cuncta succedent, nosque sibi curabimus in personis et rebus et aliis modis quibuscumque poterimus opulentissimè subvenire; parati obligare nos et Romanam ecclesiam, fidejussorio nomine, pro iis quæ sibi fuerint ad prosecutionem ejusdem negotii opportuna. Datum Assisii, idibus maii, pontificatûs nostri anno undecimo.

## NOTE F, PAGE 96.

De fratrum nostrorum consilio, apostolicâ auctoritate statuimus quòd quicumque prælati ecclesiasticæque personæ, vel religiosæ, vel seculares, quorumcumque ordinum, conditionis seu statûs, collectas vel tallias, decimam, vicesimam seu centesimam suorum et ecclesiarum proventuum vel bonorum, laïcis solverint, vel promiserint, vel se soluturos consenserint, aut quamvis aliam quantitatem, portionem, aut quotam ipsorum proventuum vel bonorum, æstimationis vel valoris ipsorum, sub adjutorii, mutui, subventionis, subsidii vel doni nomine seu quovis alio titulo, modo, vel quæsito colore, absque auctoritate sedis ejusdem ; necnon imperatores, reges, seu principes duces, comites vel barones, potestates, capitanei vel officiales rectores, quocumque nomine censeantur, castrorum, seu quorumcumque locorum, constitutorum ubilibet, et quivis alii, cujuscumque præeminentiae, conditionis et statûs, qui talia imposuerint, exegerint vel receperint, aut apud aedes sacras deposita ecclesiarum, vel ecclesiasticarum personarum, ubilibet, arrestaverint, saisiverint seu occupare præsumperint, vel arrestari, saisiri aut occupari mandaverint, aut occupata, saisita seu arrestata receperint ; necnon omnes qui scienter dederint in prædictis auxilium, consilium vel favorem, publicè vel occultè, eo ipso sententiam excommunicationis incurrant.

## NOTE G, PAGE 97.

Bonifacius, episcopus, servus servorum Dei, carissimo in Christo regi Francorum illustri salutem et apostolicam benedictionem. Ausculta, fili carissime, præcepta patris, et ad doctrinam magistri qui gerit illius vices in terris, qui solus est

magister et dominus, aurem tui cordis inclina. Viscerosæ sanctæ matris ecclesiæ ammonitionem libenter excipe, et cura efficaciter adimplere, ut in corde contrito ad Deum reverenter redeas, à quo per desidiam, vel depravatus consilio, nosceris recessisse, ac ejus et nostris beneplacitis te devotè conformes.....

Constituit enim nos Deus, licèt insufficientibus meritis, super reges et regna, imposito nobis jugo apostolicæ servitutis, ad evellendum, destruendum, desperdendum, dissipandum, ædificandum atque plantandum sub ejus nomine et doctrinâ, et ut gregem pascentes Dominicum, consolidemus infirma, sanemus ægrota, alligemus fracta, el reducamus abjecta, vinumque infundamus et oleum vulneribus sauciatis. Quare, fili carissime, nemo tibi suadeat quòd superiorem non habeas, et non subsis summo hierarchæ ecclesiasticæ hierarchiæ. Nam desipit qui sic sapit, et pertinaciter hæc affirmans vincitur infidelis, nec est intra boni pastoris ovile. Et licèt de singulis regibus et principibus sub fide militantibus christianâ, pro eorum salute sollicitè cogitemus, erga te tamen officii nostri debitum eo amplius eoque carius et attentius dirigere debemus et exequi, quo majori personam tuam paternâ et maternâ caritate amplectimur, et non solùm te, sed et progenitores, domum et regnum tuum, in diversis nostris statibus, plenâ et plurâ sumus benevolentia prosecuti.....

Vacantium regni tui ecclesiarum cathedralium redditus et proventus, quos tui et tu appellas *regalia*, per abusum, tu et ipsi tui non moderatè percipitis, sed immoderatè consumitis; sic fit, ut quorum custodia fuit ab initio regibus pro conservatione commissa, nunc ad consumptionis noxam discriminose deveniant et discriminosis abusibus exponantur.....

Nec ignoras quòd super iis et consimilibus de te ad Deum, necnon ad te sæpius clamavimus, et exaltavimus vocem nostram, annuntiavimus scelera, delicta deteximus, sperantes te ad pœnitentiam salubriter revocare; et adeò desudavimus inclamando, quòd raucæ factæ sunt fauces nostræ: sed tu, velut

aspis surda, obturasti aures tuas, et nostra salubria monita non audisti, nec recepisti ea velut medicamenta curantis.

Duos esse gladios, spirituales videlicet et temporalem, evangelicis dictis instruimur. Nam dicentibus apostolis, *Ecce gladii duo hîc in ecclesiâ scilicet*, non respondit Dominus nimis esse, sed satis. Certè qui in potestate Petri temporalem gladium esse negat, malè verbum attendit Domini proferentis, *Converte gladium tuum in vaginam*. Uterque ergò est in potestate ecclesiæ, spiritualis scilicet gladius et materialis. Sed is quidem pro ecclesiâ, ille verò ab ecclesiâ exercendus: ille sacerdotis, is manu regum et militum, sed ad nutum et patientiam sacerdotis. Oportet autem gladium esse sub gladio et temporalem auctoritatem spirituali subjici potestati.....

Porrò subesse Romano pontifici omnem humanam creaturam declaramus, dicimus, diffinimus et pronuntiamus omninò esse de necessitate salutis.

#### NOTE H, PAGE 100.

Bonifacius, episcopus, servus servorum Dei, Philippo Francorum Regi: Deum time, et mandata ejus observa. Scire te volumus quòd in spiritualibus et temporalibus nobis subes. Beneficiorum et præbendarum ad te collatio nulla spectat, et si aliquorum vacantium custodiam habeas, fructas eorum successoribus reserves; et si quæ contulisti, collationem hujusmodi irritam decernimus, et quantum de facto processerit revocamus. Aliud autem credentes hæreticos reputamus. Datum Laterani, non. decembr. pontificatûs nostri anno VII.

#### NOTE I, PAGE 101.

Quia in futurorum eventibus sic humani fallitur incertitudo judicii, ut quod conjecturâ probabile et rationabile inspicitur, immò interdum accepta consideratio pollicetur, non solum inutile, sed damnosum reperiri contingat; plerumquè consultè

provisum, ut quod experimento certo producitur, ex inspectione sanioris iudicii, novis accedentibus consiliis, immutetur. Probat hoc inferius describendæ imperialis institutionis eventus, in quâ discrepavit informis à prævio iudicio sequens exitus diuturnâ experientiâ comprobatus. Quamvis scripturarum auctoritas eundem ortum imperii vitiosum fuisse describat, ut à cupiditate occupatoris inciperet, et per violentiæ turbinem regnandi gubernacula improbis ausibus usurparet. Patet equidem longè latèque notorium, quòd, licèt multi præsidentes imperio catholicè vixerint, et sibi ac subditis, verbis exemplisque profecerint, ac matrem ecclesiam congruis præsiidiis et opportunis favoribus defensarint, nonnulli tamen ex ipsis, spiritu reprobæ præsumptionis afflati, filialem dulcedinem in privignalem amaritudinem convertentes, et abutentes eorum potestatis officio, persecuti sunt ipsam matrem ecclesiam, professionem christiani nominis, divini cultûs reverentiam, et quietem publicam impugnantes. Ecce, si legantur scripturæ, amara potest recensere memoria qualiter Domitianus junior frater Titi ecclesiam et christianos fideles persecutus est asperè, qui beatum Johannem apostolum in insulam Patmos relegavit. Attendat moderna conspectio quid Julianus apostata eidem ecclesiæ tædii et persecutionis intulerit, quid orthodoxis usque ad stragis excidium irrogaverit, vovens improbè quòd palàm ipsam ecclesiam persequeretur infestè, si de Romanis et Parthis victoriam deportasset. Advertat disquirentis ingenium quid Valerius imperator adversùs ecclesiam prædictam commiserit, qui in singulas ubique provincias contra catholicæ professionis ecclesias et populos Christi fideles diversa incommoda intulit et dolorosis angustiis amarè vexavit, ecclesiarum destructivus. Consideret diligens attentio quid Pelagius portaverit, qui fuit in persecutione christianis oppositus, et tandem Italiam Romanamque perveniens plusquàm triginta quatuor episcopos dedit exilio, et, clausis eorum ecclesiis, plebem afflixit suppliciis numerosis. Nec omittat oblivio quid Anastasius imperator tyrannicâ feritate respersus admiserit, qui, cædes plurimas



stragesque diversas in Urbe committens, sacerdotes et ecclesiasticos immaniter persequens, sic protervè contempsit, ut salutaria monita sperneret, et ad salutis gremium non rediret. Nec in abscondito maneat amara recensio Leonis Augusti, quem sacras ædes et ecclesias destruendum Gregorius prædecessor noster, natione Syrus, et à regno deposuit et dignitate privavit. Quid de Trajano, quid de Nerone, quid de Helio Asiano imperatoribus exprimamus! Exempla scripturarum notarum commemorant et in recentem notitiam suâ descriptione propalant, ac infinita inveniuntur exempla quòd iidem præsidentes imperio ipsam ecclesiam et Christi fideles injuriarum aculeis acerbè tractarint, et diversis persecutionum jaculis enormiter impugnarint. Et ut breviter sermo concludatur in genere, à Constantino citrà, rari fuerunt Romani principes qui eidem ecclesiæ faventer assisterent, et multi qui eam pœnis, ingentibus injuriis attemptarint. In proximis (etsi scripturæ nos instruant efficacius, tamen et clarius probatis proximis edocemur exemplis), notum est quippe, vulgato notorio ab hominum memoriâ multis temporibus non remoto, quòd imperator Otto de Saxoniâ, post confirmationem obtentam ab ipsâ ecclesiâ de suâ electione factâ in discordiâ cum Philippo duce Sueviæ et plura beneficia sibi collata per ipsam ecclesiam, subitò factus ingratus tergum, non faciem vertit ecclesiæ receptorum immemor, illam offensis multipliciter provocando, regnum Franciæ motu temerariæ præsumptionis invadens, quamvis ipse stipendia sui peccati recipiens in bello perierit; nec unquam comparuit corpus ejus, sicut ex gestis felicis recordationis Innocentii prædecessoris nostri evidenter colligitur; fama notoria licèt, non proxima divulgatur. In præsentem quoque notitiam reducat attentè moderna posteritas olim Frederici II. Cæsaris ingrata conamina, qui, teneræ infantiae finibus non completis, ablatus uberibus dictæ matris ecclesiæ, ac ejus educatus studio diligenti, per cardinales plures successivis temporibus cum attentionis paternæ solertiâ extitit custoditus, et ejusdem matris ecclesiæ providentiâ gubernatus, ac de angustiis et tribulati-

onibus multis ereptus, cum auxilio et labore ipsius matris ecclesiæ, diadema regni Siciliæ et præidentiam potestatis obtinuit, et ad culmen imperii cum ipsius præcipuè favore pervenit: qui datus in sensum reprobum, et mutatus in arcum pravum, ipsam matrem ecclesiam pluribus laceravit injuriis, et gravaminibus multiplicibus afflixit, ecclesias opprimens, cardinales et prælatos vocatos ad generale concilium capiens præsumptione sacrilegâ, sicque tyrannide favente peregit, quòd felicitis recordationis Innocentius IV, prædecessor noster, fugiens faciem persequentis, coactus est sedem Petri et Italiæ partes relinquere, et se Lugdunum cum fratribus suis transferre, qui Fredericum ipsum exigentibus meritis à dicto imperio regnoque deposuit, et omni honore ac dignitatis titulo, justitiâ exposcente, privavit. Nec prætereat considerantis intuitum, sed informet advertentis auditum, recens de facili memoranda commissio imperatoris Henrici, qui diebus novissimis, quorum providè spectanda sunt tempora, totam quasi conturbavit Italiam, sicut habet vulgaris opinionis gressus, et semitas rationis egressus, ac in fumum temerariæ præsumptionis elatus, contra admonitionem et prohibitionem felicitis recordationis Clementis V, prædecessoris nostri, regnum Siciliæ, quod ejusdem matris ecclesiæ directi juris et proprietatis existit, disposuerat violenter invadere; et ad loca contigua regni præfati cum numerosâ militum comitivâ reprobis conatibus invasurus, fratribus nostris per apostolicam sedem pro ipsius coronatione transmissis eum increpantibus quòd contra fidem per eum ecclesiæ debitam ageret, regnum invadendo præfatum apertè ac malignè denegans, nullum sacramentum fidelitatis eidem ecclesiæ præstitisse.

Quia igitur ipsa causa institutionis et conservationis imperii cessavit et desiit, quin potiùs, ut declarat eventus, in oppositum se convertit, nos, ad quem speciali prærogativâ pertinet, et præeminentia potestatis, evellere atque destruere, plantare et ædificare, dividere ac unire, de omnipotentia summi Patris, et apostolorum ejus Petri et Pauli, spe certâ confisi, eorumque

muniti suffragio, de fratrum nostrorum consilio, et assensu perpensâ deliberatione firmato, ex præmissis rationabilibus causis et aliis quas præsentibus inseri mater oblivionis prolixitas non suasit, provinciam Italiæ ab eodem imperio et regno Alemanniæ totaliter eximentes, ipsam à subjectione, communitate et jurisdictione eorundem regni et imperii separamus, dividimus, per partes scindimus, ac de potestatis nostræ plenitudine liberamus, decernentes ut nullo unquam tempore conjungantur et uni-  
antur, aut in uno corpore existere conseantur, ex eo præcipuè, quòd earundem provinciarum longa diffusaque protensio sic confundit et impedit unius regnantis jurisdictionis et gubernationis effectum, quòd ipsarum cura perplexè negligitur, et dum imperantis animus ad multa dividitur, ad singula per consequens minoratur; de regimine et gubernatione, cum providentiâ Regis æterni, et eorundem fratrum nostrorum consilio et deliberatione solemni, cautiùs provisuri, ac declarantes regnum prædictum Alemanniæ à regno Franciæ claris distingui terminis, et notis finibus limitari distinctis, per nos de ipsorum fratrum consilio, paterno more, providè distinguendis. Hoc nos exemplum Christi actionis instruit, qui propter peccata regnantium regna divisit. Hoc docet provisa ratio, quæ malum separat, ut unita malitia graviùs non offendat. His experimenta probata consentiunt, quæ, dum boni sperati successus non veniunt, nova remedia causâ suadente producant.

#### NOTE K, PAGE 109.

In minoribus agentes, nondum sacris ordinibus initiati, cùm Basileæ inter eos versaremur, qui se generale consilium facere et universalem ecclesiam repræsentare aiebant, dialogorum quemdam libellum ad vos scripsimus, in quo de auctoritate concilii generalis, ac de gestis Basileensium et Eugenii papæ contradictione, ea probavimus vel damnavimus quæ probanda vel damnanda censuimus: quantum capiebamus, tantum defendimus aut oppugnavimus; nihil mentiti sumus; nihil ad

gratiam, nihil ad odium retulimus. Existimavimus benè agere, et rectâ incedere viâ : nec mentis nostræ aliud erat objectum, quàm publica utilitas et amor veri. Sed quis non errat mortalis !.....Declinavimus et nos ab utero matris, erravimus in invio, et non in viâ ; ambulavimus in tenebris, et procul à verâ luce recessimus ; nec nobis tantum erravimus, alios quoque in præcipitium traximus, et, cæcis ducatum præbentes cæci,cum illis in foveam cecidimus. Seducti peccavimus ut Paulus, et ignorantes persecuti fuimus ecclesiam Dei, et Romanam primamque sedem. Propter quod prostrati ante oculos divinæ pietatis supplices oramus : delicta juventutis meæ et ignorantias ne memineris, &c. Pudet erroris, pœnitet malè fecisse, et malè dictorum scriptorumque vehementer pœnitet : plus scripto quàm facto nocuimus. Sed quid agamus ! scriptum *et semel emissum volat irrevocabile verbum*. Non sunt in potestate nostrâ scripta quæ in multas inciderunt manus et vulgò leguntur. Utinam latuissent quæ sunt edita ! nam, si futuro in seculo manserint, et aut in malignas mentes inciderint, aut incantas, fortassè scandalum parient. “ Quæ hæc scripsit, “ inquit, in beati tandem Petri cathedrâ sedit, et Christi Salvatoris vicariatum gessit. Ita scripsit Æneas, qui postea, “ summum pontificatum adeptus, Pius II. appellatus est ; nec “ invenitur mutasse propositum. Qui eum elegerunt, et in “ summo apostolatûs vertice collocarunt, ab iis scripta ejus ap- “ probata videntur.” Verendum est ne talia nostris aliquando successoribus objiciantur, et quæ fuerunt Æneæ, dicantur Pii, atque ab eâ sede auctoritatem vindicent, adversus quam ignorantèr latraverunt. Cogimur igitur, dilecti filii, beatum Augustinum imitari, qui, cùm aliqua in suis voluminibus erronea inseruisset, retractationes edidit. Sicut grues unam sequuntur et in apibus unus est rex, ita et in ecclesiâ militanti unus est omnium moderator et arbiter Jesûs-Christi vicarius..... Nec duos pluresve Petros evangelistæ commemorant, nec duos aut plures instituit Dominus, quî suum locum tamquam capita tenerent æqualia : sed unum constituit, ut verticem ac ducem

et pastorem universi gregis, Simonem Petrum, dicens: “Tu  
 “es Petrus, et super hanc petram ædificabo ecclesiam meam:  
 “et tibi dabo claves regni cœlorum, et quodcumque ligaveris  
 “super terram, erit ligatum et in cœlo; et quodcumque sol-  
 “veris super terram, erit solutum et in cœlo; et pasce oves  
 “meas.....” Nec alius à petrâ dictus est Petrus, nisi Simon:  
 qui solus pro Domino in periculo constituto exemit gladium  
 .....Si quid aeversus hanc doctrinam inveniritis aut in  
 dialogis, aut in epistolis nostris, quæ plures à nobis sunt editæ,  
 aut in aliis opusculis nostris (multa enim scripsimus adhuc  
 juveneo), respuite atque contemnite: sequimini quæ nunc  
 dicimus, et seni magis quàm juveni credite; nec privatum  
 hominem pluris facite quàm pontificem. Æneam rejicite,  
 Pium recipite. Illud gentile nomen parentes indidere nas-  
 centi; hoc Christianum in apostolatu suscepimus. Dicerent  
 fortassè aliqui cum pontificatu hanc nobis opinionem advenisse,  
 et cum dignitate mutatum esse sententiam. Haud ita est.....  
 Aderant legati Parisiensis scholæ, cujus est fama percelebris;  
 adfuerunt et aliquando vestri et aliorum studiorum Germanicæ  
 nationis oratores; et uno ore concilii generalis auctoritatem ad  
 cœlum efferebant. Quales magistri sunt, tales discipuli evadere  
 solent. Paucos invenias Aristoteles qui Platonica norint des-  
 truere dogmata. Non est discipulus supra magistrum, inquit  
 Dominus: nec nos magistrum potuimus superare.....  
 Una omnium vox concilium Eugenio præferebat: concilium  
 cuncta sonabant. Didicimus ergò quæ audivimus et post  
 aliquot annos existimantes nos aliquid esse, diximus, ut est  
 apud Satyricum:

*Semper ego auditor tantum? nunquamne reponam?*

.....Recognovimus errorem nostrum.....Grex Christi  
 ecclesia est: pastor primus ipse Christus fuit; et pastor bonus  
 qui posuit animam suam pro ovibus suis. Secundus pastor  
 Petrus extitit ab ipso Domino institutus, atque omni potestate



donatus, quæ ad benè regendum commissas oves necessaria ducitur: alioquin Christus, qui sapientia Patris est, et omninò sapienter egit, ecclesiæ suæ haud sufficienter providisset; quod est nefarium asserere. Et quamvis plures per orbem ecclesiæ institutæ fuerint, et plures greges, et ovilia plura, et pastores plures, omnes tamen sub uno pastore et in uno grege atque ovili continebantur, sicut et hodie continentur: quia unus est Christi thalamus, una sponsa, unum ovile, unus pastor, et omnium episcoporum unus episcopus Romanus præsul, beati Petri successor, et Jesûs-Christi vicarius. Petrus enim in Antiochiâ primùm sedit, deinde Romam venit: unde cùm persecutionem fugiens vellet abire, à Domino prohibitus est, et hîc glorioso martyrio vitam finivit, successore Clemente substituto  
 .....Liquet igitur unum in ecclesiâ caput esse et unum principum, quia pax populi ex uno rectore dependet, et pluralitas principum discordiam parit. Christus ecclesiæ suæ in ultimo testamento pacem reliquit, et pacem multis verbis commendavit. Dedit ergò et regimen pacis amicum, id est monarchicum; sub beato Petro et successoribus ejus administrari cuncta præcipiens, clavibus illi commissis, et curâ gregis demandatâ. Hoc nos de Romani pontificis auctoritate et potestate sentimus, cui et congregare generalia concilia, et dissolvere datum est.....quia non est corpus ecclesiæ sine capite, et omnis ex capitæ defluit in membra potestas. Hæc nostra sententia est, filii, hæc credimus et profiteamur: hæc jam senes, et in apostolatûs apice constituti, pro veritate asserimus. Si quæ vel vobis vel aliis conscripsimus aliquando quæ huic doctrinæ repugnent, illa tamquam erronea, et juvenilis animi parùm pensata judicio, revocamus atque omninò respuimus.

Datum Romæ, apud Sanctum-Petrum, sexto kalendas maias, anno 1463.

## NOTE L, PAGE 116.

Profectò potestas et auctoritas pontificis adeò est suprema, ut alias omnes non solum excedat, sed ab eâ lumen et virtutem recipiant. Dedit enim Omnipotens Petro, et successoribus æternæ vitæ clavigeris, terreni et cœlestis imperii jura.

Dico quòd renunciatio imperii facta sine consensu sanctitatis vestræ, neque recta est, neque legitima, cùm debuerit fieri in manibus illius.....Prima ratio est, quòd renunciatio fieri debet in manibus superioris. Summus autem pontifex est ille qui est superior imperatori, et omnibus mundi principibus, quia eos omnes constituit, ut dicit Innocentius tertius scribens ad regem Bulgarorum, auctoritate non ab homine, neque per hominem, sed à Dei filio, cujus est vicarius in terris. *Proverb. VIII*: Per me reges regnant, et legum conditores justa decernunt. Nec augustus et imperator dici potest, nisi à papâ approbetur, inungatur et coronetur; ut dicit Paulus Diaconis scriptor, in libro de origine et gestis Francorum; et ut dicit archiepiscopus Florentinus, in primâ parte suæ Summæ, tit. iv, cap. 10, super illo verbo Joannis ultimo, *Petre, pasce oves meas*. Si imperator, reges et principes mundi omnes, oves Christi fideles esse desiderant, oportet ut summi pastoris, qui est Papa, regimini et imperio se subditos fateantur. In hujusmodi signum Papa confirmat, consecrat et benedicit imperatorem, ut superior inferiorem, juxta illud Apostoli, Hebræorum vii: *Qui minor est, à majore benedicitur*.

Cùm summus pontifex, verus Dei et Christi in terris vicarius, existat superior imperatori, et ab eo auctoritatem habenti, præsertim posteaquam semel ab ipso confirmatus, unctus, coronatus et consecratus fuit, ac ei manum personaliter Bononiæ imposuit; dico à se eam jurisdictionem vel jus, propriâ auctoritate, sine causæ cognitione, et consensu ipsius, abdicare non potuisse; et ita, à peritis utriusque juris, esse, juribus, rati-

onibus et auctoritatibus, communi calculo accepi. Sicque etiam in militari disciplinâ pariter observatur, armorum ducem muneri et oneri sibi à suo superiore injuncto renunciare absque ejus licentiâ, citra proprii honoris læsionem, minimè posse; et imperator ipsemet (ut audio), in legibus suis, se inter commilitones vòcat et ponit.

Dico non solùm electionem prætensam vel promotionem ad imperium suspendi et impediri, verùm, cùm contra proprium juramentum venerit, et jam promotum deponi et privari debere; prout aliàs etiam propterea jure servatum fuit, præcipuè contra Fredericum ab Innocentio IV, sacro præsentem et consentientem toto fratrum suorum concilio.

Quæstioni facilius daretur responsio post editam et exhibitam allegatam imperii cessionem; sed in omnem eventum negari non potest quidquid aut fieri aut attemptari ausum est circa hujus-modi imperii dimissionem, admissionem atque acceptionem, inscio, inconsulto aut non mandante vel approbante Romano pontifice, ad quem negotium spectat, viribus omninò carere, neque ratione aliquâ probabili aut juris auctoritate contrarium posse defendi. Sit ipsius Caroli dimissio imperii, sit electorum admissio, sit denique regis ad imperium adspirantis temeraria acceptio, quandoquidem, si Cæsar aliquando imperium à se abdicare voluerit, non illud pro suo arbitrio potest, nec quoties libuerit, aut coram quibus voluerit, sed id à summo pontifice expostulet, impetret necessum est, quem solum in superiorem habet et agnoscit, à quo ad imperium promotus est, et cui fidelitatis et perpetuæ obedientiæ ac defensionis jusjurandum, sicut de jure tenebatur, præstitit, à quo denique destitui ac deponi legitimâ subsistente causa posse, explorati juris est.

Quam potestatem ipse Christus Dominus noster post suam resurrectionem à mortuis, ascensurus in cælum ad Patrem, unde venerat, reliquit Petro, dum tertio illi dixerat: *Petre, pasce, pasce, pasce oves meas.* Quæ verba, à concilio Florentino, hoc modo fuerunt exposita sic diffiniendo, sanctam apostolicam

sedem et Romanum pontificem in universum orbem tenere primatum, et ipsum pontificem Romanum successorum esse beati Petri principis apostolorum, et verè Christi vicarium, totiusque ecclesiæ caput, et omnium christianorum patrem ac doctorem existere, et ipsi beato Petro pascendi, regendi et gubernandi universalem ecclesiam à Domino nostro Jesu-Christo plenam potestatem traditam esse, quemadmodum etiam in gestis œcumenicorum conciliorum et in sacris canonibus continetur, ex quibus clarè apparet potestatem et principatum monarchiæ, necnon totius populi christiani, esse in solo Papâ, à quo potestas imperialis vel regia dependet et provenit. Nam Dominus noster Jesus-Christus solus ipse est princeps, et monarcha, ac imperator totius mundi, cujus vicarius est Papa qui inungit imperatorem et reges, dat nomen imperatori, eique dat gladium ad vindictam malefactorum laudemque bonorum. Hæc confessus fuit Constantinus ille magnus, hæc etiam Martianus imperator in concilio Chalcedonensi, Otho imperator, et successive omnes imperatores hanc imperialem potestatem recogniverunt à Papâ, ut historiographi et Græci et Latini dicunt atque scribunt. Cum hâc potestate Zaccarias Papa privavit regem Gallorum absolvitque subditos ejus à vinculo juramenti; Innocentius tertius excommunicavit Archadium imperatorem; Innocentius quartus privavit Henricum; et quamplures alii summi pontifices, hâc potestate divinitus sibi datâ, destituerunt alios imperatores et reges imperio et regnis suis. Papa enim tenet monarchiam mundi et utrumque gladium: nam Moyses, cujus successor est Papa, habuit utrumque gladium, et Dominus noster Jesus-Christus utroque gladio usus est. Hâc potestate etiam Papa creavit et creat reges quotidie, et transfert imperium de uno loco ad alium, ut Stephanus tertius transtulit imperium à Græcis in Germanos (et Johannes de Turrecremata in suo tractatu de potestate Papæ hoc refert capitulo ix, col. 4); deditque facultatem illis septem principibus Germaniæ eligendi imperatorem, ut refert Innocentius tertius in *venerabilem de electione*: quâ electione factâ, electus imperator

venit ad petendam confirmationem à summo pontifice, tanquam à superiore, cui prius præstat juramentum fidelitatis (quod juramentum, cum unctione, sapit subjectiones), recipitque et coronam imperialem et gladium et insignia imperialia, vocaturque ab eo imperator Augustus : ex quibus actibus clarè demonstratur, imperatorem potestatem habere et dignitatem, non ab ipsis electoribus, sed à Papâ. Et cum Henricus imperator negaret se præstitisse tale juramentum fidelitatis, sub Clemente V, in concilio Viennensi fuit declaratum omnia juramenta quæ præstat imperator Papæ et sedi apostolicæ, esse juramenta fidelitatis ; sicque fuit observatum à dictis temporibus Othonis et Henrici, usque ad tempora Caroli V, immediati imperatoris prædecessoris, et absque difficultate aliquâ.

Quod pertinet ad alterum caput an rectè et legitime sine consensu sanctitatis vestræ Carolus V cesserit imperium fratri, quæstio hæc non videtur locum habere, cum altera ejus pars sit ἀναμφίλεκτος, hoc est talis, ut in dubium revocari non possit. Quod enim simpliciter fieri non potest, quid attinet de eo quod verè jure ne factum sit ! Quod autem imperator non possit imperium cedere, tum ratione et auctoritate, tum exemplis imperatorum potest probari. Cum enim imperatoria jurisdictio à Romano pontifice ut à Christi vicario profiscatur, in cujus manu sunt omnium potestates et jura regnorum, is in quem talis potestas confertur, non ita eam possidet, ut cedere valeat, sed imperii curam humeris suis impositam tamdiu sustinet quoad ecclesiæ catholicæ utilitati expedire judicaverit Romanus pontifex. Quod si imperator ipse necessariis causis se impeditum cognoverit, quominus impositum onus ferre possit, debet causas illas exponere Romano pontifici, ut si eas justas esse cognoverit, admittat, et à fidelitatis et subjectionis vinculo quo se astringit, eum absolvat. Non enim liber erit donec ab illo ipso cui astrictus est, absolutus fuerit. Non igitur potest cedere id cujus potestatem non habet. Exempla etiam superiora docent imperatores ipsos nunquam imperatoriam potestatem ita sibi arrogasse, ut à se ipsis illam se habere arbi-



trentur. Scimus Othonem, Henricum, Fredericum et Carolum IV in suis litteris testari se à Romanis pontificibus suo quemque tempore ad imperium promotum fuisse. Nihil ergò sine auctoritate et jussu sedis apostolicæ, quæ, ut ait Gregorius IX, cum imperium transtulit de Græcis ad Germanos, nihil de substantiâ suæ jurisdictionis imminuens, imperii tribunal sibi supposuit, et gladii potestatem concessit. Itaque fidei et honori suo derogare convincitur, qui pontificem Romanum factorem suum non agnoscit. Hæc Gregorius IX. Præterèa, si ad imperium promovendus examinatur, inquiritur, approbatur, inungitur et consecratur, quâ fronte aut quâ potiùs conscientia se ad imperium intrudet, qui apostolicæ sedis examen non subiit? Omnes enim, ut affirmat Gregorius IX, et ante illum Innocentius III et IV, cognoscunt promovendos in imperatores apostolicæ sedis examinationi subjacere. Quòd si quis non antea fuerit ab apostolicâ sede approbatus, illi neque ut imperatori, neque ut administratori imperii, obediendum aut adhærendum esse præcipit Joannes XXII.

## NOTE M, PAGE 125.

Essendo che doppo l' accidente seguito in Roma a 20 agosto del 1662, tra la famiglia del duca di Créquì, ambare. del re di Francia, e le nostre guardie de' soldati Corsi, in vece di castigare, S. M. Christma., la detta famiglia, e l' istesso suo ambare. quando fosse stato complice de' piu enormi dilitti ed insulti commessi per avanti dentro a poche settimane in questa città, come costano per processi, e come gia per mezzo del nostro nunzio in Parigi ne la fecemo richiedere, che in vece ancora di castigare i predetti per nuovi insulti fatti ad alcuni soldoti della pattuglia, disarmandoli, e maltrattandoli, e per haver ben quattro volte injuriati e provocati i soldati Corsi, mentre che andavano quietamente per fatti loro, si sia voluta S. M. Christma. fermare solamente nell' ultimo eccesso, che fecero i Corsi assaliti fin nel proprio quartiere da' Francesi, il

predetto giorno de' 20 di agosto, con rispingargli, e perseguitargli fin dentro il palazzo del medeso. ambasciadore, traspassando ogni termine di non colpevol tutela ; e per questa ragione habbia S. M. Christma. cacciato dalla sua città e regno il nostro nunzio, pretendendo di più da noi sodisfazioni improprie ed eccedenti, e negando l' audienza a chiunque per nostra parte voleva informarla dalla verita del fatto, anzi ricusando e rimandando in dietro nostre lettere e brevi ; e passata S. M. di più ad altre dimande totalmente disgiunte da questo caso, ed impertinenti, cioe che noi contentassimo il duca di Modena per le pretenzioni d' alcune valli pescareccie di Comacchio, che pure pendevano per discussione avanti a congregazione richiesta da lui medesimo, ed ove per sua colpa si differiva la cognizione, per non havere fino al presente giorno prodotto pur una scrittura in forma probante ; e di più che contentassimo anco il duca di Parma con fargli grazia della scamerazione del ducato di Castro, e dello stato di Ronciglione, concedendogli altro termine di otto anni, ed habilitandolo a redimere restituendo il prezzo in più paghe, non ostante l' instrumento di vendita fattane da lui alla nostra camera sotto i 19 xbre. 1649, e successivamente ratificata a' x di genaro 1651, e che havean interceduto il re di Spagna, e 'l gran duca di Toscana, perchè la predetta camera venisse alla compra col patto di poter redimere nel termine di otto anni, come più ampiamente apparisce nel detto instrumento ; ed ancorchè fosse seguita l' incamerazione de' predetti ducato e stato co' voti di tutti i cardinali presenti in curia doppo il corso de' detti otto anni, e di altri tre susseguenti, con la dichiarazione che i medesimi si comprendano nella bolla di Pio V, ed in quelle d'Innocenzo IX e di Clemente VIII, nostri predecessori, *de non infeudandis* : minacciando S. M. Chrisma, per mezzo del detto suo ambare. che, se non conseguiva le dette cose, haverebbe invaso nemicamente il nostro stato ecclesiastico, con 12 m. fanti, e con 6 m. cavalli, ed havendo di più occupata la città con lo stato di Avignone, e 'l contado Venaisino co' loro annessi spettanti a questa santa

sede già più secoli tanto nello spirituale quanto nel temporale, con grave offesa, e con disprezzo di essa, sollevando i popoli alla ribellione, e cacciando violentemente, ed incarcerando i ministri di questa sa. sede con abbattere le sue insegne, a di poi accrescendo sempre più le minacce della sua gran potestà, havendo dichiarato di venire all' invazione de' nostri stati con 20 m. fanti, e con 10 m. cavalli, e di portarsi in persona à Lione ed in Pinarolo per accelerare maggiormente contra di noi le sue armi, siccome l'ha fin hora cominciato ad eseguire con haver introdotto circa a 7 m. fanti e tre m. cavalli ne' feudi di santa chiesa di Parma e di Piacenza, ed in que' di Modena, acquartierandoli a fronte de' nostri confini, e perseverando a far venire dalla Francia continuamente nuove soldatesche armate. Noi, per prevenire e per rimuovere sua maesta della effettuazione delle predette minacce, doppo havere tentati con essa i modi più proprii e più convenienti al nostro paterno zelo, e doppo esserci lassati andare a concedere sodisfazione esorbitanti, contro chi non haveva colpito in cosa alcuna, come è publico e notorio a tutti, non vedendo placarsi il suo sdegno, ne riconoscendo alcuno appagamento di ragione, o aggiustamento, ci preparammo l' anno passato alla difesa de' nostri sudditi con dispendio di due milioni, come con l' istessa e maggior somma habiamo fatto pure questo presente anno con la speranza di havere aiuti, come gli haveamo chiesti dall' imperadore, da re, dalla repa. di Venetia, e da tutti i principi cattolici ed electori dell' Imperio. Ma non essendo alcuno di loro concorso pur in minima parte sotto molte e varie scuse d' impedimenti, anzi havendoci di continovo fatta istanza perche concedessimo tutte le sodisfazioni richieste, benchè esorbitanti, ed in specie a sodisfare con denaro il duca di Modena, e quello di Parma con la predetta scamerazione degli stati di Castro e di Ronciglione; e di più havendo il governor di Milano accordato il passo alle armi di Francia per venire alla nostra offesa, e negatolo a noi per le levate degli Suizzeri chiamati a nostra difesa, ed avendo i Veneziani assistite le pre-

dette armi offensive con monizioni da bocca e da guerra, siccome hanno fatto i Genovesi, e'l duca di Savoia nel loro passaggio, promettendosi l'istesso la Francia del gran duca di Toscana, e del duca di Mantoua, e facendo grosse levate di soldatesche i duchi di Parma e di Modena: partecipammo il tutto al nostro sacro collegio de' cardinali, i quali vedendo il giusto timore di proxima invazione, e le pregiudizii della s. sede si spirituali come temporali in accendersi questa guerra, e conoscendo che le forze temporali della sede apostolica non sono sufficienti ad impedirgli ed ad evitargli, e però stimando che in questo sì urgenti caso di somma, di evidente e di fortosa necessità, non obblighino le costituzioni e' decreti di Pio V, e di Clemente VIII, e degli altri sommi pontefici nostri predecessori, nè meno le nostre pubblicate sopra la confirmazione di quelle pe' suddetti stati di Castro e di Ronciglione, ci hanno consigliato a sodisfare al duca di Modena, ed a promettere la detta scamerazione con dare un nuovo termine al duca di Parma per redimergli pagando il prezzo in una o più paghe, facendo la retrovendita a proporzione. Onde siamo stati astretti a far intendere agli ambasri. de' principi che trattano col re di Francia, questa risoluzione, ed a mandar di poi monsignor. Rasponi a Pisa, ove S. M. Chrima. ci a fatto sapere, per mezzo del gran duca di Toscana, e del cardinal decano, haver mandata plenipotenza à Mr. di Purleront, auditore della Rota, da durare fino al 15 di febraro corrente per concludere ogni accordo, quando habbia con le altre molte richieste questa ultima sodisfazione ancora.

Ma perchè sia palese a' nostri successori, ed a tutti in ogni tempo, che noi siamo stati forzati a far ciò dalla potenza, dalla violenza, e del giusto timore delle armi di S. M. Chrima. e da una precisa necessità di prevenire mali maggiori da una guerra in Italia mossa da sì potente mano contro la sede aposa. non aiuta da alcuno di tanti principi cattolici a ciò richiesti, e mentre che dall' altra parte il Turco, non contento di haver posto piede in Candia, minaccia il restante delle isole del dominio Vene-



ziano, e la Dalmatia, e'l Friuli, ed in oltre ha occupata già gran parte del regno di Ungaria, e si prepara con forze formidabile in questa nuova campagna :

Perciò, di nostro moto proprio, scienza, et pienezza di nostra potestà, protestiamo avanti a Dio benedetto, ed avanti a gloriosi apostoli san Pietro e san Paolo, come non habbiamo consentito, ne fatto, ne ordinato, ne siamo per consentire, ne fare, ne ordinare alcuno degli atti sopradetti, ne delle tante soddisfazioni che ci dicono accordate, e specialmente le disparate dall' accidente de' Corsi concernenti, oltre le soddisfazioni chiesteci pel duca di Modena, il negozio del ducato di Castro, e dello stato di Ronciglione, e delle loro pertinenze, di nostra libera volontà, ma si bene per mera inevitabil forza, violenza, e necessità di ovviare e di riparare maggiori danni e pregiudizii della religione, della sa. sede, di tutto il suo stato, e de' suoi sudditi e vassalli, accendendosi dalla Francia una guerra in Italia, quando il Turco, con tutta la sua potenza, occupata già tanta parte, altrove pur minaccia, e si muove contro la medesima, contro il quale sono tre anni, che havendo promessa la nostra confederazione habbiamo fin hora indarno fatigato per tirare alla medesima i principi cattolici.

Dichiaramo perciò che le sopradette cose, ed in particolare la prefata scamerazione, e la concessione del nuovo termine con quanto di sopra, si è enunciato e si è fatto, e quanto siamo per fare e per ordinare intorno a ciò, si deva attribuire alla forza, alla potenza, alla necessità predette, alle quali non possiamo soli resistere ; non già ad alcun nostro volere, o consentimento : poichè anzi dissentiamo da ciascuna, e da tutte le sopradette cose, e massime in riguardo delle nostre bolle dalla detta scamerazione, e da tutti gli atti intorno ad essa fatti, e da farsi, tanto antecedenti quanto conseguenti. E però in ogni migliore e più efficace maniera che possiamo con la pienezza della nostra potestà, gli dichiaramo nulli e di niun momento. Anzi ammettiamo fin di presente le proteste e dichiarazioni tanto fatte,



quanto che si faranno in qualsivoglia modo da qualunque persona particolarmente ecclesiastica sopra la nullità ed insussistenza delle tante concessioni di sodisfazioni, e della sopra detta scamerazione, e di tutto quello che la concerne tante antecedentemente quanto consecutivamente, acciocchè si possi retractare tanto co' rimedii juridichi e legali quanto con altri che possino in qualsivoglia modo, luogo e tempo competere a noi, ed alla nostra santa sede, e camera apostola. ; volendo che le presenti nostre proteste s' intendano fatte e replicate avanti, nel principio, nel mezzo e nel fine di qualunque de' predetti atti tanto de' fatti quanto di quegli che si faranno. Decretando che questo nostro chirographo, proteste e dichiarazioni siano valide, ed habbiano il loro vero, pieno e totale effetto e vigore con la sola nostra sottoscrizione, ancorchè non siano registrate in atti pubblici, ne meno ne' libri della nostra camera apostolica, ne altrove, ed ancorchè non vi si interponga autorità di giudice : e decretiamo e vogliamo che facciano intiera testimonianza della nostra sincera volonta in ogni tempo, in ogni luogo, e per ogni effeto più giovevole alla santa sede, ed alla camera apostola., supplendo con la pienezza della nostra potestà ad ogni difetto che alcuno volesse o potesse opporre giamai, non ostanti gli usi, gli stili, le leggi, i decreti, costituzioni apostoliche, statuti e consuetudini, e qualunque altra cosa, che facessero o potessero fare in contrario ; alle quali tutte, ed a ciascuna di esse, benche ricevessero speciale ed individua menzione, havendo il loro tenore quì per sufficientemente espresso con tutte le circostanze, deroghiamo in ogni miglior modo e forma che fare si possi.

Dato nel nostro palazzo di Monte-Cavallo, questo giorno decimo-ottavo di febraro, dell' anno del Sigor. mille seicento sessanta-quattro, e del nostro pontificato, per divina misericordia, anno nono.

ALEXANDER papa VII, manu propriâ.

## NOTE N, PAGE 134.

Uno de gl' incidenti più scabrosi, e d' importanza maggiore, che serva d' argomento alle controversie presenti, è quello delle quattro proposizioni date fuori sacrilegamte., e senza alcuna ne autorità ne ragione, dall' ultima assemblea del clero, con una intentione di quella corte, a cui in simile occasione il clero non si è vergognato di servire ciecamente, di volere incuter timore a s. santà., e divertirla dal negotio principale della regalia. Il che si comprende manifestamte. in riflettere, che da molti anni in quà in tutte le differenze che la Francia ha avute con questa s. sede, ha poste sempre in campo tali proposizioni col mezzo della Sorbona, quasi che con la minaccia fatta a i papi passati di voler far credere i loro judizii in materia di fide riformabili, la superiorità de' concilii sopra di essi, e di negar loro ogni autorità, benchè indiretta, nel temporale de' principi, potessero paventarsi, ed indursi a fare il suo volere con darli ogni sodisfazione ancorchè ingiusta. Ma di questa loro temeraria ed empia dottrina creditata dai Richeristi, fazione che non è ancora estinta, e che fece gran strepito in Sorbona nel principio di questo secolo, non hanno mai i Francesi saputo addurre alcun solido fondamento, &c.

Doppo le guerre civili di Francia, terminate con la conversione alla fide cattolica del re Enrico IVo., cominciò à stendersi ed a prender forza nel popolo l' opinione insinuata da huomini politici ed artificiosi, che l' autorità della santa sede sopra il temporale de' principi fosse una cosa troppo odiosa agl' eretici, e per conseguenza troppo contraria alla loro riunione con la chieza, e troppo pericolosa, &c.

Corsero doppo molt' anni senza che tal questione fosse pubblicamente dibattuta, finche coll' occasione del famosa libro del Gesuita Santarelli, la Sorbona nell' anno 1626 la rimesse in campo censurando in detto libro la dottrina che dava a i papi alcuna autorità sopra il temporale de' principi. Simil riso-

luzione della Sorbona fù parto più del raggio e delle arti di alcuni huomini potenti e politici, che di quella libertà che deve essere in ogni assemblea di christiani, massime in quelle che son composte di sacerdoti e di teologi.

NOTE O, PAGE 135.

A nostro signore non è mai caduto in pensiero de disputare al re christianissimo l' arbitrio di allontanare dal suo servizio que' ministri e servitori, de' quali la maestà sua non resta soddisfatta, ma solamente ha creduto che sua maestà non possa mandare in relegazione alcun' ecclesiastico, e molto meno un cardinale; ne a credere così sua beatitudine è stata mossa dalla sola considerazione del signor cardinal di Baglione, il quale non a usata alcuna industria per ottenere di quà aiuto, ed ha data poca occasione alla santità sua di lodarsi di lui, ma bensì dalla giustizia, e del zelo che la santità sua deve avere per l' immunità delle persone e delle cose sagre. In ordine poi agli altri ecclesiastici, questi nascono bensì sudditi del re; ma subito che ricevono qualche ordine dalla chiesa, *vengono ad essere esenti da ogni potestà laica, a diventar soggetti unicamente alla sede apostolica ed alla medesima chiesa*: onde la dottrina sopra simil punto del padre la Chaise e del signor di Croissi, come erronea, viene ad essere disapprovata da sua santità, che vuole che v. s. Illma. ne parli al re ne' termini medesimi, ne' quali le è stato di già ordinato, con dire alla maestà sua, che non meno per il paterno e tenero affetto con cui rimiri la sua real persona, che per il debito preciso nel quale sua beatitudine si vede posta, crede di dover fare avertire sua maestà di quelle cose che pongono in pericolo la sua salute eterna.

## NOTE Q, PAGE 138.

Beatissime Pater, cùm, in hâc tandem exultantis ecclesiæ felicitate, juges christiani omnes paternæ providentiæ fructus precipiant, facilemque in sinum paternæ beneficentiæ vestræ aditum experiantur, nihil accedere molestius mihi potuit, quàm quòd eo etiamnùm loco res nostræ sint ut aditus in gratiam sanctitas vestræ mihi hactenùs interclusus quodammodo videatur. Cujus quidem rei cùm eam fuisse rationem perceperim quòd ego cleri Gallicani comitiis anno 1682 habitis interfuerim, idcirco, ad pedes beatitudinis vestræ 'provolutus, profiteor et declaro me vehementer quidem et supra omne id quod dici potest ex corde dolere de rebus gestis in comitiis prædictis, quæ sanctitati vestræ ejusque antecessoribus summoperè displicuerunt.' Ac proindè quidquid in iisdem comitiis circa ecclesiasticam potestatem et pontificiam auctoritatem decretum censi potuit, pro non decreto habeo et habendum esse declaro. Prætereà pro non deliberato habeo illud quod in præjudicium jurium ecclesiarum deliberatum censi potuit: mens nempè mea non fuit quidquam decernere et ecclesiis prædictis præjudicium inferre; promptus sanè in insigne profundissimi obsequii quod sanctitati vestræ profiteor et demissæ reverentiæ pignus ita me gerere, ut de debitâ meâ quam ad extremum vitæ meæ spiritum sanctitati vestræ impensissimè præstabo obedientiâ, et de nostro pro tuendis ecclesiarum juribus zelo, nihil unquam possit desiderari. His itaque perlectis meis litteris, spero et sanctitatem vestram humillimè obtestor ut me in gratiam benevolentiamque tandem suam tandem receptum, ecclesiæ N. ad quam rex noster chrms. me nominavit, præficere non dedignetur, quò maturiùs animarum saluti et christianæ religionis utilitati ipsiusque ecclesiæ N. juribus et dignitati, ut sincerè sanctitati vestræ profiteor, studium omne meum impendam. Interim beatitudini vestræ, tanquam sciti. apostolorum prineipis successori, Christi Domini vicario, totius

militantis ecclesiæ capiti veram et sinceram obedientiam quam jam promisi iterum promitto, voveo et juro, ac multos et felices annos pro bono totius ecclesiæ precor; sanctitatis vestræ.

Humillimus, obsequent. et devotissus.  
filius et servus.

*Datum Lutetiæ, die 14 sept. 1693.*

NOTE R, PAGE 141.

*Oratio.* Deus, in te sperantium fortitudo, qui beatum Gregorium, confessorem tuum atque pontificem, pro tuendâ ecclesiæ libertate virtute constantiæ roborasti, da nobis, ejus exemplo et intercessionem, omnia nobis adversantia fortiter superare. Per Dominum &c.

*In secundo nocturno, Lectio IV.* GREGORIUS, papa septimas, antea Hildebrandus, Soanæ in Etruriâ natus, doctrinâ, sanctitate, omnique virtutum genere cumprimis nobilis, mirificè universam Dei illustravit ecclesiam. Cùm parvulus ad fabri ligna edolantis pedes, jam litterarum inscius, luderet, ex rejectis tamen segmentis illa Davidici elementa oraculi, *Dominabitur à mari usque ad mare*, casu formasse narratur, manum pueri dictante numine, quò significaretur ejus fore amplissimam in mundo auctoritatem. Romam deindè profectus, sub protectione sancti Petri educatus est. Juvenis ecclesiæ libertatem à laïcis oppressam, ac depravatos ecclesiasticorum mores, vehementius dolens, in Cluniacensi monasterio, ubi sub regulâ sancti Benedicti austeritatis vitæ observantia eo tempore maximè vigeat, monachi habitum induens, tanto pietatis ardore divinæ majestati deserviebat, ut à sanctis ejusdem cœnobii patribus prior sit electus. Sed, divinâ Providentiâ majora de eo disponente in salutem plurimorum, Cluniaco eductus Hildebrandus, abbas primò monasterii Sancti-Pauli extra muros



Ūrbis electus, ac postmodum Romanæ ecclesiæ cardinalis creatus, sub summis pontificibus Leone nono, Victore secundo, Stephano nono, Nicolao secundo et Alexandro secundo, præcipuis muneribus et largitionibus perfunctus est, sanctissimi et purissimi consilii vir à beato Petro Damiano nuncupatus. A Victore papâ secundo legatus à latere in Galliam missus, Lugduni episcopum simoniacâ labe infectum ad sui criminis confessionem miraculo adegit. Berengarium in concilio Turonensi ad iteratam hæresis abjurationem compulit. Cadaloi quoque schisma suâ virtute compressit.

*Lectio V.* Mortuo Alexandro II, invitus et mœrens unanimi omnium consensu, decimo kalendas maii, anno Christi millesimo septuagesimo-tertio, summus pontifex electus, sicut sol effulsit in domo Dei : nam, potens opere et sermone, ecclesiasticæ disciplinæ reparandæ, fidei propagandæ, libertati ecclesiæ restituendæ, extirpandis erroribus et corruptelis, tanto studio incubuit, ut ex apostolorum ætate nullus pontificum fuisse tradatur, qui majores pro ecclesiâ Dei labores molestiasque pertulerit, aut pro ejus libertate acriùs pugnaverit. Aliquot provincias à simoniacâ labe expurgavit. Contra Henrici imperatoris impios conatus fortis, per omnia athleta impavidus permansit, seque pro muro domûs Israël ponere non timuit, ac eundem Henricum, in profundum malorum prolapsum, fidelium communione, regnoque privavit, atque subditos populos fide ei datâ liberavit.

*Lectio VI.* Dum missarum solemnia peragorit, visa viris piis columba è cœlo delapsa, humero ejus dextro insidens, alis extensis caput ejus velare, quo significatum est, Spiritûs sancti afflatu, non humanæ prudentiæ rationibus, ipsum duci in ecclesiæ regimine. Cùm ab iniqui Henrici exercitu Romæ gravi obsidione premeretur, excitatum ab hostibus incendium signo crucis extinxit. De ejus manu tandem à Roberto Guischardo duce Northmanno ereptus, Cassinum se contulit, atque indè Salernum, ad dedicandam ecclesiam sancti Matthæi apostoli, contendit. Cùm aliquandò in eâ civitate sermonem habuisset

ad populum, ærumnis confectus in morbum incidit, quo se interiturum præscivit. Postrema morientis Gregorii verba fuere: *Dilexi justitiam, et odivi iniquitatem; propterea morior in exilio.* Innumerabilia sunt, quæ vel fortiter sustinuit, vel multis coactis in Urbe synodis sapienter constituit. Vir verè sanctus, criminum vindex, et acerrimus ecclesiæ defensor. Exactis itaque in pontificatu annis duodecim, migravit in cælum, anno salutis millesimo octogesimo-quinto, pluribus in vitâ et post mortem miraculis clarus, ejusque sacrum corpus in cathedrali basilicâ Salernitanâ est honorificè conditum.

NOTE S, PAGE 142.

Venerabiles Fratres, etsi universo christiano populo compertum jam sit, res sacras et ecclesiasticas in florentissimo Galliæ regno, quod in visceribus gerimus charitatis, eò pervenisse, ut omnes qui recto sunt corde, acerbè doleant, profusique lacrymis ingemiscant, secularem magistratuum potestatem manus in arcam Domini injecisse; ea tamen quæ postremis hisce temporibus contigerunt, novâ semper gravaminum accessione, vobis ex hoc loco, venerabiles fratres, aperienda judicavimus, eo non solùm fine, ut, communicatâ tribulatione, conjungamus orationem, sed etiam ut in causâ, quantumvis deploratâ, irritentur et rescindantur singula ab eorundem magistratuum incompetenti auctoritate profecta, quæque divino detrahunt honori, ecclesiæ universæ gravissimum vulnus infligunt, sedisque apostolicæ jura et majestatem apertè contemnant. Ex quâ die contra societatem Jesu exarsit ignis in Galliâ, et in circuitu ejus tempestas valida, cruciarunt nos intimè quæ, tum in urbe principe, tum alibi, prodierunt decreta, seu, ut aiunt, arresta, edita nunc ab uno, nunc ab altero ejusdem regni senatu, veteri in eandem societatem odio percito, et iniquam occasionem temporis à diutino bello interturbati aptè aucupante. Sed eo potissimùm nomine acerbius dolu-

imus, quòd hæc molimina à divini honoris dispendiò, à totius ecclesiæ sedisque apostolicæ injuriâ ullo modo disjungi aut separari posse non videbantur.

Levavimus primùm oculos nostros in montem, undè opportunum ecclesiæ veniret auxilium, justisque adacti rationibus, novimus positam in silentio et spe fortitudinem nostram. Deindè, ne credito nobis ex alto apostolico muneri deesse videremur, carissimi in Christo filii nostri Ludovici Galliarum regis christianissimi auctoritatem, et avitam pietatem, tot nominibus de re catholicâ promeritam, sedique apostolicæ probatam, semel ac iterùm imploravimus, compescendæ eorundem magistratuum licentiæ longè opportunam. Præterea, ad implendas uberius tum charitatis, tum quoque vigilantiae nostræ partes, per venerabilem fratrem Petrum archiepiscopum Colossensem, nostrum et apostolicæ sedis in Galliâ nuncium, eos compellare non omisimus, quid apud christianissimum regem claro eminent dignitatis et auctoritatis loco. In aliquam insuper medelæ spem taciti erigebamur, oculos conjicientes in venerabiles fratres Gallicanæ ecclesiæ episcopos, tuendi divini honoris zelo incensos : compertum nobis erat quòd ipsi, superiore non longè tempore usi libertate in episcopali inauguratione sibi divinitus traditâ, et assumptis armis justitiæ, quod est verbum Dei, reclamarunt, præstolantes à piissimo rege opem ad frangendos eorundem magistratuum conatus, divinis et ecclesiasticis institutis injuriosos ; motisque subindè turbis contra societatem Jesu, plerique eorum, requirente rege, alumnos ejusdem ab omni cùm morum, tum doctrinæ labe purgarunt.

Verùm, quamvis dubitare non possimus quin in regio animo constans semper et egregia eluxerit tuendæ religionis restituendæque pacis voluntas, nulla tamen, Deo sic permittente, iniri potuit ratio quâ, in tanto contentionum æstu, in tantâ rerum perturbatione, gliscenti in diem malo esset consultum.

Satis itaque vobis, venerabiles fratres, explicare non possumus, quo tacti fuerimus dolore cordis intrinsecus, quoque horrore

perfusi, cùm, perlatis ad nos eorumdem magistratuum edictis, uno primùm, mox altero loco editis, vidimus gentes ingressas sanctuarium Domini, quibus ille præceperat ne intrarent in ecclesiam suam.

Quinam sunt fines à Deo positi, quos in hoc perturbatæ reipublicæ statu carnales hujus seculi filii non sint prætergressi? Doctrinæ magisterium usurpant, pastoribus Israël, custodientibus vigilias super græge, unicè concreditum, divino non audito oraculo: *Labia sacerdotis custodient scientiam, et legem requirent ex ore ejus.* Traducitur et improbatur clericorum regularium societatis Jesu pium et ecclesiæ inserviens institutum, ab apostolicâ sede jamdiù probatum; Romanorum pontificum, et ipsius Tridentinæ synodi, in ævum mansuram laudem assecutum; cujus auctorem et parentem inter cœlites veneramur; quod professi sunt in terris illustres filii vel eodem altarium honore donati, vel pro re catholicâ et salute proximorum tot defuncti laboribus, ut ecclesiæ, et apostolico huic collegio, præclaro sint ornamento. Probrosa quæque inuritur nota regulæ ejusdem societatis, tanquam à divinis et humanis legibus abhorrenti; proscribitur, et vindicibus flammis comburitur. Demùm (quod horret animus dicere) ejusdem societatis asseclæ, qui præfatæ regulæ se devovêre, et ante aras provoluti, solemnî interpositâ sacramenti religione, omnipotentem Deum in promissionis suæ testem invocarunt, ab hâc promissione solvuntur; et execrabili et hactenùs inaudito exemplo, per acerbam pœnarum interminationem prohibentur ne reddant Altissimo vota quæ eorum labia distinxerunt. Immò hanc eandem regulam, quam magistratus divino humanoque juri contrariam dicunt, ejurare compelluntur. Quid plura? Potestatem ipsam Jesu-Christi in terris vicario unicè tributam sibi temerè arrogantes, totius societatis compagem in Gallico regno dissolvunt. Bona illius per singularem immunitatis contemptum publicantur: alumni novam inire coguntur vivendi formam, à laïco magistratu propositam; habitu et nomine exuntur, et æqualium etiam congressu prohibentur:

omni dejiciuntur spe vel beneficii ecclesiastici vel temporâlis cujusque officii obtinendi, nisi priùs inter alia jurejurando promittant tueri ac propugnare famigeratas et orbi universo notissimas quatuor propositiones contentas in declaratione de potestate ecclesiasticâ, editâ in comitiis cleri Gallicani anni millesimi sexcentissimi octuagesimi-secundi, quas felicitis recollectionis Alexander P. P. octavus, prædecessor noster, per suas in formâ brevis expeditas litteras improbavit et abolevit.

Tot vulnera ecclesiæ universæ et apostolicæ sedis auctoritati acutissimè inflicta nos ipsos, venerabiles fratres, acerbissimo doloris sensu diu noctuque percellunt : tristamur, omnia ecclesia jura susdeque pessumdari et everti ab effreni præfatorum magistratuum arrogantia, qui *volunt* (ut aiebat Augustinus) *levare aquam super oleum, ponere sub tenebris lucem, super cælum terram collocare*. Sed in hâc ipsa tribulatione, quæ invenit nos nimis, nemo sit qui putet inertem nos dolore torpescere.

Juriam ecclesiasticorum vindices et assertores in terris à Domino constituti, probè intelligimus, quam primùm villicationis nostræ districtissimam rationem nos esse reddituros. Veremur, si desides simus, ne in judicio, quod fiet durissimum his qui præsumunt, propheticum nobis exprobretur oraculum : *Non ascendistis ex adverso, neque opposuistis murum pro domo Israël* ; aut terribilius illud ; *Dispersi sunt greges mei, et non erat qui requireret*.

Primùm itaque in singultu et lacrymis opem imploravimus à Deo, qui sedet super thronum et judicat justitiam ; deindè, sedem hanc conscensi, vos advocavimus, venerabiles fratres, ut in conspectu vestro, tanquam vallati auxilio pugnatorum, quæ hucusque perperam acta sunt, traditâ nobis divinitus potestate rescinderentur et abolerentur. Inhærentes ergò Romanorum pontificum prædecessorum nostrorum vestigiis, eorumque exemplo sectantes, gesta ab iisdem magistratibus adversus religionem, universam ecclesiam, sanctam hanc apostolicam sedem, et pontificias constitutiones, damnamus et



reprobamus. Insuper omnia et singula mandata, arresta, decreta, declarationes et edicta, à laicâ magistratuum potestate in regno Galliæ quomodolibet et ubilibet edita, occasione extinguendæ ibidem dissolvendæque societatis Jesu, quotcumque et qualiacumque ea sint ab incompetenti auctoritate prolata, et clericorum regularium eorundem institutum, personas, bona, prærogativas, immunitates quovis modo attingentia, præ oculis habentes, universalis ecclesiæ et sanctiora sedis apostolicæ jura lædencia, immunitati et libertati ecclesiasticæ præjudicialia, cum omnibus et singulis quandocumque et quomodocumque indè secutis et quocumque tempore in posterum forsàn secuturis, necnon cætera quæcumque quæ per alios regni magistratus pari modo attentari subindè continget, ipso jure nulla, irrita, invalida, et legitimo effectu penitùs vacua ab ipso initio fuisse et perpetuò fore, neminemque ad illorum, etiamsi juramento fidem obstrinxerit, observentiam teneri, consistorialis et sollemnis hujus nostri decreti vigore decernimus et declaramus; motuque proprio, scientiâ et potestatis nostræ plenitudine, eadem omnia et singula cassamus, irritamus, annullamus, improbamus et abolemus, deque eorum patenti nullitate coram Deo protestamur, daturi uberiora cassationis, irritationis, abolitionis et annulationis hujusmodi testimonia, ubi primùm nobis constiterit salubriter in Domino expedire.

Hæc vobis, venerabiles fratres, pro pastoralis nostræ servitutis afficio denunciavimus, ne, die Domini appropinquante, graviter ab illo judicemur. Intereà unâ simul omnipotentem Deum et beatos apostolos Petrum et Paulum, qui sacerdotium et regnum vident lacrymari, rogemus et obtestemur, ut saniora consilia mentibus hominum inspirent, utque, sedatâ tandem procellâ feri maris, suas despumante confusiones, optata tranquillitas ecclesiæ restituatur.

Suprascriptam allocutionem in consistorio nostro secreto habito die 3 septembris anni 1764, prolatam à nobis fuisse testamur.

CLEMENS P. P. XIII.

## NOTE T, PAGE 154.

Neque silentio prætereunda insignis ea fraudis plena synodi temeritas, quæ pridem improbatam ab apostolicâ sede conventûs Gallicani declarationem an. 1682, ausa sit non amplissimis modò laudibus exornare, sed, quò majorem illi auctoritatem conciliaret, eam in decretum *de fide* inscriptum insidiosè includere, articulos in illâ contentos palàm adoptare, et quæ sparsim per hoc ipsum decretum tradita sunt, horum articulorum publicâ et solemni professione obsignare. Quo sanè non solùm gravior longè se nobis offert de synodo quàm prædecessoribus nostris fuerit de comitiis illis expostulandi ratio, sed et ipsimet Gallicanæ ecclesiæ non levis injuria irrogatur, quam dignam synodus existimaverit, cujus auctoritas in patrocinium vocaretur errorum quibus illud est contaminatum decretum.

Quamobrem quæ acta conventûs Gallicani, mox ut prodierunt, prædecessor noster ven. Innocentius XI per litteras in formâ brevis die 11 aprilis an. 1682, pòst autem expressiùs Alexander VIII constite. *Inter multiplices*, die 4 augusti an. 1690, pro apostolici sui muneris ratione, improbarunt, resciderunt, nulla et irrita declaraverunt; multò fortiùs exigit à nobis pastoralis sollicitudo recentem horum factam in synodo tot vitiis affectam adoptionem, velut temerariam, scandalosam, ac præsertim, post edita prædecessorum nostrorum decreta, huic apostolicæ sedi summoperè injuriosam, reprobare ac damnare, prout eam præsentì hâc nostrâ constitutione reprobamus et damnamus, ac pro reprobatâ et damnatâ haberi volumus.

## NOTE V, PAGE 158.

This Pragmatic is translated in a great measure in our first volume, pages 190, 191; but here are the words :

“ Ludovicus, Dei gratiâ Francorum rex, ad perpetuam rei memoriam. Pro salubri ac tranquillo et statu ecclesiæ regni nostri, necnon pro divini cultûs augmento et Christi fidelium animarum salute, utque gratiam et auxilium omnipotentis Dei, cujus soli ditioni atque protectioni regnum nostrum semper subjectum extitit et nunc esse volumus, consequi valeamus; quæ sequuntur, hoc edicto consultissimo in perpetuum valituro, statuimus et ordinamus :

“ 1. Ut ecclesiarum regni nostri prælati, patroni, et beneficiorum collatores ordinarii, jus suum plenarium habeant; et unicuique jurisdictio debitè servetur.

“ 2. *Item.* Ecclesiæ cathedrales, et aliæ regni nostri, liberas electiones et earum effectum integraliter habeant.

“ 3. *Item.* Simoniæ crimen pestiferum ecclesiam labefactans, à regno nostro penitus eliminandum volumus et jubemus.

“ 4. *Item.* Promotiones, collationes, provisiones et dispositiones prælaturarum, dignitatum vel aliorum quorumcumque beneficiorum et officiorum ecclesiasticorum regni nostri, secundum dispositionem, ordinationem, determinationem juris communis, sacrorum conciliorum ecclesiæ Dei, atque institutorum antiquorum sanctorum patrum, fieri volumus pariter et ordinamus.

“ 5. *Item.* Exactiones et onera gravissima pecuniarum, per curiam Romanam ecclesiæ regni nostri impositas vel imposita, quibus regnum nostrum miserabiliter depauperatum extitit, sive etiam imponendas aut imponenda, levare aut colligi nullatenus volumus, nisi duntaxat pro rationabili, piâ et urgentissimâ causâ, inevitabili necessitate, et de spontaneo et expresse consensu nostro, et ipsius ecclesiæ regni nostri.

“ 6. *Item.* Libertates, franchisias, immunitates, prærogativas jura et privilegia per inclitæ recordationis Francorum reges prædecessores nostros, et successivè per nos, ecclesiis, monasteriis atque locis piis, religiosis, necnon personis ecclesiasticis regni nostri, concessas et concessa, innovamus, laudamus, approbamus et confirmamus per præsentis.

“ Harum tenore, universis justiciariis, officiariis et subditis nostris, ac loca tenentibus, præsentibus et futuris, et eorum cuilibet, prout ad eum pertinuerit, districtè præcipiendo mandamus, quatenus omnia et singula prædicta diligenter et attentè servant, teneant et custodiant, atque servari, et teneri, et custodiri inviolabiliter faciant, nec aliquid in contrarium quovis modo faciant vel attentent, seu fieri vel attentari permittant; transgressores aut contrafacientes juxta cujusque exigentiam tali pœnâ plectendo, quòd cæteris deinceps cedat in exemplum. In quorum omnium et singulorum testimonium, præsentès litteras sigilli nostri appensione muniri fecimus. Datum Parisius, anno Domini MCCLXVIII, mense martio.”

## NOTE W, PAGE 162.

In reply to the letter *Scire te volumus*, which we have herein transcribed, Philip-the-Fair addressed to the very holy father the following note :

“ Philippus, Dei gratiâ Francorum Rex. Bonifacio se gerenti pro summo pontifice, salutem modicam seu nullam. Sciat tua maxima fatuitas in temporalibus nos alicui non subesse; ecclesiarum ac præbendarum vacantium collationem ad nos jure regio pertinere, fructus earum nostros facere; collationes à nobis factas et faciendas fore validas in præteritum et futurum, et earum possessores contra omnes viriliter nos tueri: secus autem credentes, fatuos et dementes reputamus. Datum Parisius, &c.”

“ Philippe, par la grâce de Dieu, roi des François, à Boniface, se disant souverain pontife, peu ou point de salut.  
“ Que votre souveraine fatuité sache que, dans les choses tem-

“ porelles, nous ne sommes soumis à personne ; que la collation  
 “ des évêchés et des prébendes nous appartient par le droit de  
 “ notre couronne ; que nous pouvons nous en attribuer les  
 “ fruits durant la vacance ; que les collations par nous faites  
 “ et à faire ont été, sont et seront à jamais valides, et que nous  
 “ en maintiendrons la possession envers et contres tous : ceux  
 “ qui nient ces maximes, nous les tenons pour sots et fous.  
 “ Donné à Paris, &c.”

NOTE X, PAGE 162.

Quòd autem papa sic scribens, nitens et intendens, sit et debeat hæreticus reputari, per rationes infrascriptas potest manifestè probari, nisi resipiscere et suum errorem corrigere palàm et publicè voluerit, et regi christianissimo ecclesiæ defensori satisfacere super tantâ injuriâ, per totum suum regnum et ferè per universum orbem divulgatâ cum scandalo maximo et infamiâ populi christiani, præsertim regni Franciæ, quem ferè totum, et pro certo cunctos ejusdem regis amicos hæreticos falsò reputare præsumpsit, tantam scienter injuriam faciendo, prout ex sequentibus apparebit. Circa quorum probationem circuiendo materiam procedere oportet, cùm contra certum fundamentum et rationem argui non possit, eò quòd papa nullam causam nullamque rationem sui dicti protendit, nisi quòd innuit hoc sibi taliter complacere.....

Nonne papa concupiscit, et rapit, et aufert de novo scienter summam regis libertatem, quæ semper fuit et est, nulli subesse, et toti regno imperare sine reprehensionis humanæ timore ! Præterea negari non potest quin semper, post distincta primò rerum dominia, invasio rerum occupatarum, ab aliis maximè per tempus à quo memoria hominum non existit possessarum et præscriptarum, fuerit et est peccatum mortale. Rex autem supremam jurisdictionem et libertatem suorum temporalium ultra mille annos possedit. Item idem rex à tem-



pore Karoli Magni, sui, de cujus genere descendit, ut in canone legitur, antecessoris, possedit.....

Et forté expediret Romanos pontifices fore pauperes sicut, olim fuerunt, ut sancti essent ; bonum esset eis cum paupertate cœlum intrare, non cum superbîâ, elatione, concupiscentiâ et rapinâ sequi hujusmodi actores, quî sicut scriptum est, à fructibus eorum cognoscetis eos.

#### NOTE Y, PAGE 163.

Joannes, Dei gratiâ Francorum rex, baillivo Auvergniæ, vel ejus locum tenenti, salutem. Referente in curiâ nostrâ procuratore nostro, quòd dilectus et fidelis noster episcopus Claramenten. prætextu redhibentiarum quas in jucundo adventu suo à clericis conjugatis et non conjugatis in suâ diœcesi Claramenten. exigere consuevit, et sui prædecessores consueverunt hactenùs levare, ut dicebant ipse episcopus seu ejus officarii, vel officialis, sententias excommunicationis vel interdicti sive cessûs, et alias compulsionones, in villâ nostrâ Montisferrandi, et contra habitantes in eâdem protulerunt ac etiam promulgarunt, licèt alicui non liceat in domanio nostro opponere aliquod idterdictum sive cessum, nec etiam aliqui de habitatoribus prædictis aliquam redhibentiam ex causâ prædictâ persolvunt, prout fertur, in nostri et jurisdictionis nostræ contemptum, dictorumque habitatorum damnum et præjudiciû, si sit ita. Quocircà vobis præcipiendo mandamus, quatenùs, si vocatis vocandis, constiterit ita esse, dictum episcopum et ejus vicarium et officialem ad desistendum de interdicto sive cessu, præditis viis et juris remediis, celeriter compellatis. Si verò dicti episcopus seu vicarius aliquid contra habitatores prædictos voluerint occasione redhibentiarum prædictarum experiri, auditis prædictis partibus, eisdem exhibeant super iis bonum breve justitiæ complementum. Sicque ob hoc nobis aut dictæ curiæ nostræ querela minimè referatur. Datum Parisius, in parla-

mento nostro, die 23 Novembris, anno Dom. 1350, sub sigillo Castelleti nostri Parisiensis in absentia majoris. Per cameram, ROGEMONT. *Extrait du registre intitulé Pictavis fol. 75.*

NOTE Z, PAGE 163.

Procurator noster generalis et procurator cariss. patruus nostri ducis Burgundiæ, actores contra dilectum et fidelem consiliarium nostrum episcopum Cabilonen. Pro parte dictorum actorum propositum existit, quòd cùm dictus patruus noster ad causam sui ducatûs Burgundiæ, primus ac decanus parium Franciæ, tanquam principalior et antiquior existat, ac ipsum ducatum insignem nobiliter in parîâ ac in feudo et ressorto à nobis et coronâ Franciæ teneat, nobisque vassallos nostros præsertim tantos et tam nobiles, prout pares existunt, et potissimè in his quæ jurisdictionem temporalem concernunt, tueri ac defendero, necnon cessare seu revocari facere omnes interpretias, offensiones et *abusus*, per jurisdictionem spiritualem in jurisdictionis temporalis præjudicium factos seu factas, pertineat, et non solùm pares Franciæ à præmissis præservare teneamur, imò etiam omnes et singulos vassallos seu valvassores nostros, nobiles et burgenses :

Cùm nos fons omnimodæ jurisdictionis temporalis esse dignoscatur, pro regimine vero et politiâ reipubl. Deus summus collator duo brachia, videlicet sacerdotium et imperium, ac duas jurisdictiones ab invicem separatas, distinctas et divisas ab ipso Deo cœquali procedentes, quibus principaliter hic mundus, regitur, desuper contulerit et ordinaverit, nostraque jurisdictio temporalis in nullo jurisdictioni spirituali subsit, cùm in terris superiorem non recognoscamus ; quare non immeritò Dei vicarius, quoad jurisdictionem temporalem, appellari possumus et debemus, juraque nostra regia nobis ad causam nostræ superioritatis competentia, præscribi seu minui, vel aliter acquiri, etiam per quodcumque temporis curri-

culum aboleri, vel à nobis abdicari non possunt. 14 augusti anni 1385.

NOTE A A, PAGE 198.

Deux ans avant la Saint-Barthélemi, la cour de Rome avait fait brûler Aonius Palearius, après avoir extorqué à cet infortuné littérateur une déclaration par laquelle il reconnaissait dans le souverain pontife le droit d'ordonner le supplice des hérétiques, et même le droit de les tuer de sa propre main. Palearius a écrit de la sienne cette déclaration, qui existe aux archives de l'Empire, et dont voici le texte :

Credo et confiteor quidquid sacrum concilium Tridentinum definivit et quidquid sancta ecclesia catholica Romana credit et confitetur ; insuper particulatim confiteor hæc :

1. Quòd potestas sæcularis potest licitè punire et occidere hæreticos ;

2, Quòd ecclesia potest tradere potestati sæculari licitè hæreticos occidendos ;

3. Quòd summus pontifex Romanus potest instituere ministros qui occidant hæreticos ;

5. Quòd ipsemet summus pontifex in casu aliquo potest ETIAM PER SE hæreticos occidere, ut legimus de Samuele et Petro ;

5. Quòd per peccatum mortale non amittitur potestas, sed summus pontifex etiam in peccato existens est verè summus pontifex, et habet summi pontificis potestatem.

Ego Aonius Palearius Verulanus fateor quòd in his fuimus concordés, et ita credo ut sunt hæc scripta et subscripta meâ manu.

NOTE B B, PAGE 210.

Placuit tandem patri misericordiarum Deo supplicum preces audire, fecitque ut illustris vir.....illud animo conciperet effi-

ceretque (ex quo ei summa præter omnia celebritas apud omnem posteritatem erit futura) nimirum ut tot millibus millium hominum quos continet Gallia, avita majorum religio atque una cum eâ vera ac solidæ felicitatis ipsorum fundamenta restituerentur. Nos hîc, ut videtis, primum Reipublicæ Gallicanæ Consulem indicamus, NAPOLEONEM BONAPARTE. Sapienter ille, &c.....*Allocutio habita die 24 maii 1802.*

Desideria et postulationes ejus viri cujus operæ ut studiis, *post Deum*, acceptum referimus, non modò fuerentes illos procellarum impetus ab ecclesiâ aversos, sed etiam catholicam religionem in tam latè dominante popule restitutam, &c.....*Allocutio habita die 17 januarii 1803.*

Ea quæ ad catholicæ religionis bonum isthîc à te tantâ cum gloriâ facta sunt.....*Lettre du pape au premier Consul, 22 janvier 1803.*

Cum enim tanto studio adfueris nobis, cum de religione in Galliâ restituendâ ejusque securitate actum fuit, ita ut tibi, *secundum Deum*, acceptum referre debeamus quidquid ibidem .....ad religionis bonum constitutum fuit. *Lettre du 4 juin 1803.*

#### NOTE C C, PAGE 211.

Par des lettres patentes de Louis XI, de 1475, il est ordonné que toutes bulles, lettres et autres choses venant de Rome, seront visitées par les officiers des lieux ex frontières, pour voir s'il n'y a rien contre les droits du royaume et libertés de l'église Gallicane. *Voyez ci-dessus, p. 262, 263, 264.*

François I, en parlant de ce droit, disait qu'il concernait grandement l'autorité, *puissance et prééminence du roi.*

Le pape Léon X, par divers brefs, dont le dernier est signé du cardinal Sadolet, a prié le parlement de Provence de vouloir bien autoriser l'exécution de ses rescrits: *Hortamur in Domino ut debitæ executioni demandare permittatis.*

Bulles ou lettres apostoliques de citations exécutoires, fulminatoires ou autres, ne s'exécutent en France sans *pareatis* du roi ou de ses officiers.—On a toujours observé soigneusement que toutes bulles et expéditions venant de la cour de Rome fussent visitées, pour voir si en icelles y avait aucune chose qui portât préjudice, en quelque manière que ce fût, aux droits et libertés de l'église Gallicane et à l'autorité du roi. *Pithou, Libertés de l'église Gallicane*, art. 44 et 77.

Les bulles ne sont à considérer quand on n'a pas obtenu des lettres-patentes du roi, pour en requérir la vérification au parlement. *Bignon, Reg. du parlement*, 2 janvier 1624.

Les rescrits émanés du pape ne peuvent obliger les sujets du roi, que lorsqu'ils sont revêtus de son pouvoir ou de celui qu'il accorde aux compagnies souveraines de son royaume. *Œuvres de d'Aguesseau*, t. II, p. 604.

Quoique nos rois n'entreprennent point de décider les questions de foi, dont ils laissent le jugement aux évêques, on ne peut publier aucune bulle dogmatique sans lettres-patentes vérifiées au parlement, parce que les bulles dogmatiques peuvent contenir des clauses contraires aux droits de la couronne et de l'église de France. *D'Hericourt, Lois ecclés. de France*, t. I, chap. xv, no. 8.

#### NOTE D D, PAGE 212.

Art. 11. Le pape n'envoie point en France de légat *à latere* .....sinon à la postulation du roi très-chrétien et de son consentement ; et le legat n'use de ses facultés qu'après avoir laissé promesse par écrit sous son seing, et juré par ses saints ordres, de n'user desdites facultés.....sinon tant et si longuement qu'il plaira au roi.....sans entreprendre ni faire chose préjudiciable aux saints décrets, conciles généraux, franchises, libertés et privilèges de l'église Gallicane.

12. Semblablement le légat d'Avignon...auparavant qu'user



de ses facultés en pays de l'obéissance et souveraineté du roi, fait pareil serment et baille semblable promesse par écrit, et notamment de n'entreprendre aucune chose sur la juridiction séculière, ni distraire les sujets, interdire ou excommunier les officiers du roi, ou faire chose contre les libertés de l'église Gallicane, édits, coutumes, statuts et privilèges du pays.

58. Le légat *à latere* ne peut députer vicaires ou subdélégués pour l'exercice de sa légation, sans le consentement exprès du roi.

59. Et si, ne peut user de la puissance de conférer les bénéfices de ce royaume, quand il est en pays hors l'obéissance du roi.

60. Et à son partement, est tenu de laisser en France le registre des expéditions faites du temps de sa légation, &c.

#### NOTE E E, PAGE 214.

Discours VIII sur l'Histoire ecclésiastique, no. 4.

Tant y a qu'on peut dire avec vérité, pour ce regard, que nul monastère, église, collège, ou autre corps ecclésiastique, ne peut être exempté de son ordinaire pour se dire dépendre immédiatement du saint-siège, sans licence et permission du roi. *Pithou, Libertés de l'église Gallicane*, art. 71.

Les exemptions, disait Talon en 1670, sont contraires à la sainte liberté des canons de l'église.—*Voyez aussi Févret, Traité de l'abus*, l. iii, c. 1, no. 12, &c.

#### NOTE F F, PAGE 216.

Potentissimum Francorum Imperatorem, cui religionis..... in Galliâ reforescentis gloria debetur.....cujus nomen fines terrarum pervasit, et cujus operâ Deus usus est ut catholica religio in Galiis publicam rursus in lucem emergeret...At que

hic sine gratissimi animi sensu commemorare non possumus hilaritudinem illam, comitatem, benevolentiam, animique propensionem, quâ nos apostolicâ libertate desideria nostra expromentes audivit et nostras.....petitiones excepit.

## NOTE G G, PAGE 216.

Il est devenu fort difficile de rencontrer quelqu'un qui daigne savoir encore en quoi consistaient ces erreurs; et il fallait avoir une bien forte envie d'en faire mention, pour en parler ainsi à propos de la cérémonie du couronnement de S. M.

## NOTE H H, PAGE 217.

Formulam per venerabilem fratrem nostrum archiepiscopum Philippensem ei missam legit admisit, suâque manu signavit. Hâc ergò formulâ, quam reparando scandalo publicam in cognitionem deduci concupivit, declaravit se purè et simpliciter, omninòque ex animo, recipere et venerari constitutiones à sede apostolicâ factas, quibus Baii, Jansenii, Quesnellii, et illorum qui eos sectati sunt, errores proscribuntur, præsertim verò bullam dogmaticam *Auctorem fidei* quâ 85 propositiones damnantur, è synodo Pistoriensi quam ipse coegerat et publicari jusserrat, excerptæ : has propterea propositiones omnes et singulas se reprobare et damnare iis qualificationibus iisque sensibus qui in præfatâ bullâ expressi sunt; denique in sanctæ ecclesiæ catholicæ, apostolicæ, Romanæ, inque *omnimodâ subjectione* verâque obedientiâ nobis, nostrisque successoribus, tanquam in Petri cathedrâ sedentibus et Jesu-Christi vicariis, velle se vivere et mori.

## NOTE I I, PAGE 218.

Par exemple, des imprécations contre la paix de Westphalie, *la disastrosa pace di Westfalia*; — *la pace di Westfalia segna un'epoca sventuramente memorabile, &c.*

Par exemple ausi cette maxime, que le pape est, non le propriétaire, mais *l'administrateur suprême* de tous les biens ecclésiastiques; ce que le rédacteur de l'instruction prouve par des textes de Suarez et de Lessius, qu'il cite comme les *théologiens les plus accrédités*: *Questo è il sentimento de' più accreditati teologi.*

## NOTE K K, PAGE 219.

Ma non solamente la chiesa ha procurato d' impedire che gli eretici non occupassero i beni ecclesiastici, ha inoltre stabilito, come pena del delitto dell' eresia, la confisca e perdita dei beni dagli eretici posseduti. Questa pena.....è decretata per rapporto ai beni de' privati nella decretale d'Innocenzo III. riportata nel capo *Vergentis, x. de Hæret.*; e per quel che riguarda i principati, feudi, è pure regola del diritto canonico nel cap. *Absolutos, xvi. de Hæreticis*, che sudditi di un principe manifestamente eretico rimangono assoluti da qualunque omaggio, fedeltà ed ossequio verso del medesimo; e niune che sia alcun poco versato nella storia può ignorare le sentenze di deposizione pronunciate dai pontefici e dai concilj contro de' principi ostinati nell' ersia. Se non che siamo ora pur troppo giunti in tempi così calamitosi e di tanta umiliazione per la sposa di Gesu-Cristo, che siccome a lei non è possibile usare, così neppure è spedito ricordare queste *sue santissime massime di giusto rigore* contro i nemici e i rebelli della fede. Ma se non può esercitare *il suo diritto* di deporre da loro principati e di dichiarare decaduti da loro beni gli eretici, potrebbe ella

mai positivamente permettere per aggiungere loro nuovi principati e nuovi beni, d' esserne spogliata elle stessa ?.....Quale occasione di diridere la chiesa non si darebbe agli eretici medesimi ed agl' increduli, i quali insultando al di lei dolore, direbbero esservi trovati finalmente i mezzi, onde farla *divenir tollerante?* &c.

## NOTE L L, PAGE 223.

Una transazione così fatta, proposta da un vescovo cattolico a un regio ministro sopra un' oggetto sì sacro, considerata ne' suoi principj, nelle sue conseguenza e nel suo complesso, conduce direttamente allo scopo che si sono prefissi i moderni settarj, di far sì che col fatto confessino i cattolici ed accordino, che confessi ed accordi il papa stesso, non che i vescovi, *que le pouvoir de gouverner les hommes est indivisible* (Beaufort, *Projet de réunion* &c., Paris, 1806, p. 8).....Subito che si conceda da un vescovo cattolico in ordine ai matrimonj cattolici le pubblicazioni civili, i contratti civili, i divorzj civili, i giudicj civili prescritti da legge civili da legislatore cattolico in uno stato cattolico, si concede che abbia questi podestà in ordine ai sacramenti, in ordine alla disciplina ecclesiastica, e che possa alterare la forma ed i diritti, derogare ai canoni, violare la libertà ecclesiastica e perturbare le coscienze ; e che abbia in conseguenza l' assoluto potere nelle cose e cause puramente ecclesiastiche, sommamente privilegiate ed essenzialmente dipendenti *à jure clavium*. Ch' è quanto dire che possa egli por mano all' incensiere, far prevalere le sue leggi alle leggi delle chiesa.....O bisognava dissimulare e tollerare un disordine che una forza irresistibile impone, o, volendo parlare ed entrar in materia, era necessario che il vescovo facesse conoscere al regio ministro, che le disposizioni del codice in ordine al matrimonio non potevano applicarsi ai matrimonj cattolici in paese cattolico .....Se si scorrano le storie delle nazioni, non si troverà esem-

pio che da un principe cattolico siasi mai imposto ai sudditi cattolici ne acconsentito che loro s' imponga l'obbligo di fare, rispetto ai matrimonj, le pubblicazioni nel *comune*, le congiunzioni nel *comune*, e di discotere della validità o nullità di tali congiunzioni avanti *il giudice del circondario*..... Avrebbe il vescovo avuto un largo campo per farsi strada a dimostrare al ministro regio che in un paese dove la religione cattolica è religione dello Stato, dominato da un principe cattolico, non si possano senza grande scandalo applicare ai cattolici le leggi risguardanti il matrimonio ne essigerne da essi l'osservanza; che sarebbe questo un attentato inaudito e una manifesta rivolta contro le leggi della chiesa, una novità inducente all'errore e allo schisma..... Che se poi inutili si rendessero queste rappresentanze pastorali, altro non rimarebbe ai vescovi, che mettere nelle mani di Dio la causa sua e della sua chiesa, ed instruire il gregge alla loro cura commesso.....

1. Che non vi è matrimonio se non sia contratto in quelle forme che la chiesa ha stabilite per la sua validità; 2. che contratto una volta matrimonio secondo le forme dalla chiesa stabilite, non vi è podestà in terra che possa discioglierlo quanto al vincolo; 3. che resta questo indissolubile non ostante l'adulterio del conjuge o la molesta coabitazione; 4. che nel caso di dubbio matrimonio, alla solio chiesa appartiene giudicare sul merito, di modo che ogni altro giudizio di qualsivoglia altra podestà è giudizio incompetente, ed incapace ad autorizzare e render lecito il divorzio; 5. che non ostando al matrimonio alcun impedimento canonico, è questo rato e valido, e perciò indissolubile, qualunque sia l'impedimento che vi frapponga indebitamente la laica podestà senza il consenso e l'approvazione della chiesa universale o del supremo suo capo il Romano pontefice; 6. che al contrario è irritato e nullo qualsivoglia matrimonio, contratto con impedimento canonico dirimente abrogato dal sovrano per solo abuso di podestà; e pero doversi in coscienza considerar come nullo da ogni cattolico sino a che non sia rivalidato mediante la dispensa legittima



della chiesa, se pure l'impedimento che lo rende nullo sia capace di dispensa.

NOTE M M, PAGE 226.

Si attendamus ad leges civiles codicis Napoleonis quoad matrimonium, nulla obvenit difficultas, quia nihil mandant quod sit legibus Dei et ecclesiæ contrarium, et consequenter quilibet eas servare tenetur.

NOTE N N, PAGE 226.

E non è un comando opposto alla legge di Dio e della chiesa, quello che si fa a tutti quanti i divorziati di non poter più fra di loro riunirsi, nel qual comando s' includono anche quelli che contro le leggi di Dio e della chiesa si fossero divorziati ! Non è un comando contrario alle leggi di Dio e della chiesa, quello col quale s'inabilita l' uomo a prender moglie prima dei 18 anni compiti, e la donna prima dei 15 compiti, nel qual comando s' includono anche quelli che prima di tale età non avessero altro legittimo rimedio alla concupiscenza che il matrimonio e fossero perciò in coscienza obbligati a contrarlo ! E non è contrario alle leggi di Dio e della chiesa il riservare al Governo le facoltà di dispensare dall' impedimento dirimente di secondo grado d' affinità misto col primo ! E per dir tutto, non è un offender Dio e la chiesa il far leggi che sovvertono la discipline ecclesiastica in materia sì gelosa !

NOTE O O, PAGE 227.

Specialmente dopo che è stato nella legge evangelica inalzato alla dignità di sacramento, e reso perciò sacro e indepen-

dente da qualsivoglia legge profana.....Ed è tanto vero che il *valore* del matrimonio, specialmente nella legge evangelica, è indipendente da ogni contratto civile stabilito dalle leggi civili, che il concilio di Trento dichiarò irritò e nullo il matrimonio e in ragione di sacramento e in regione di contratto sempre che si contraesse senza le solennità da esso prescritte: ciò che non avrebbe potuto fare, se il matrimonio includesse di sua natura due distinti contratti, come si asserisce, da due distinte podestà dipendenti, l'uno civile dipendente per la sua validità dalle leggi civili, l'altro religioso dipendente per il suo valore dalle leggi della chiesa.

NOTE P P, PAGE 229.

Il papa non è il semplice vescovo di Roma, come si è impropriamente asserito, ma il pastore insieme della chiesa universale, ed ha perciò il diritto di scegliere i ministri ed i cooperatori del suo apostolato fra tutte le nazioni dell'orbe.

NOTE Q Q, PAGE 229.

È noto ch' erano esse da un' epoca assai più remota in potere de' Romani pontifici per una libera dedizione dei popoli abbandonati dagli imperadori dell' Oriente; che occupato poscia dai Lombardi l' esarcato di Ravenna e la pentapoli che comprendeva tali provincie, Pippino illustre e pio genitore di Carlo Magno lo ritorse dalle loro mani e lo *restituì* con un atto di donazione al pontefice Stefano.

NOTE R R, PAGE 237.

Demum codceduntur sub eâ conditione, ut in exercitio cujuscumque ex commemoratis facultatibus expressè declaretis illas

è vobis concedi tamquam à sedis apostolicæ delegatis, quæ declaratio in ipso actûs tenore inserenda erit.

## NOTE S S, PAGE 238.

Dans plusieurs diocèses, il s'est formé une secte de *catholiques purs*, qui exercent un culte clandestin, auquel assistent des prêtres qui, se déroband à la surveillance des évêques, ne donnent au Gouvernement aucune garantie de leurs principes et de la morale qu'ils enseignent. *Rapport de LL. EE. les cardinaux Fesch, Maury, Caselli, des archevêques de Tours et de Malines, des évêques d'Evreux, de Trèves et de Nantes, le 5 mars 1811.*



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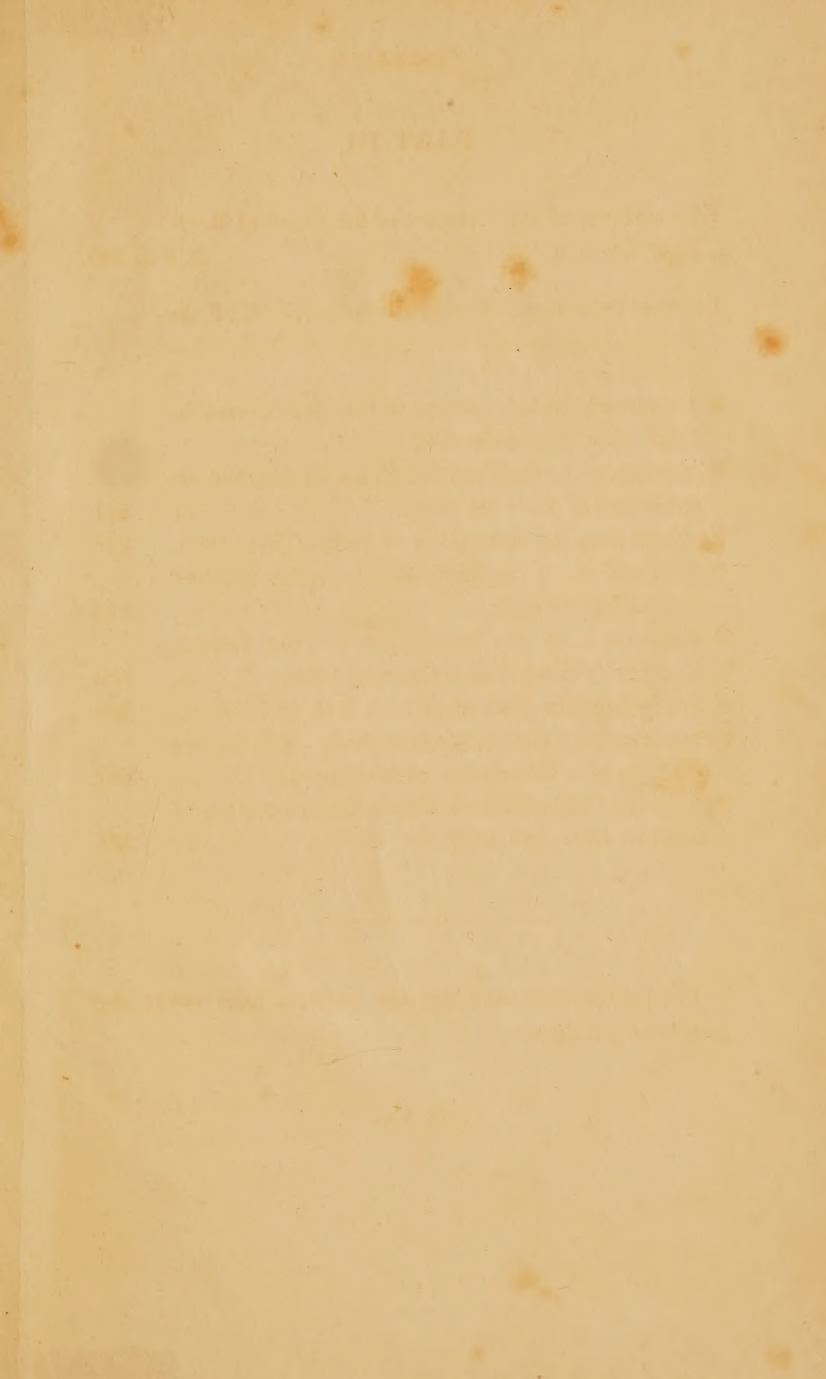
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THE END.



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